

under the provisions of an Employers' Liability Act passed by the legislature of the Province in which the injury was received (c).

All persons in the employment of railway companies, whatever may be their rank, are within the purview of the Act (d).

8. "Workmen," meaning of, as used in the English and Colonial Acts.—By sec. 8 of the English Act it is declared that the expression "workman" means "any person to whom the Employers and Workmen Act of 1875 applies." The words of the Act thus referred to, so far as they are material in this connection, are as follows :

"The expression 'workman' does not include a domestic or menial servant, but save as aforesaid, means any person who, being a laborer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labor."

This section has been incorporated, with some important changes, in the Colonial Acts.

The meaning of the words by which the various kinds of workmen are designated, and of the more general phrases with which the provision concludes, is to be ascertained not only from the decisions upon the Employers' Liability Act itself, but from those in which the Employers and Workmen Act and the other statutes in *pari materia* which make use of a similar terminology, have been construed (a). Some common law cases are also serviceable for purposes of definition.

(a) *Domestic or menial servant*.—(See also sub-s. (b) note (i) post.) According to a text-book of repute, domestic or menial servants are "those persons whose main duty is to do actual bodily work as servants for the personal comfort, convenience, or luxury of the master, his family, or his guests, and who, for this

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(c) *Canada S. R. Co. v. Jackson* (1890) 17 S.C.R. 316.

(d) A superintendent drowned while engaged in investigating the condition of a well was held entitled to recover in *Pearson v. Canadian Pac. R. Co.* (1898) 12 Man. 112.

(a) In this connection, however, it is not amiss to recall the remark of Earle, J., that "it is a matter of common knowledge that words in one Act of Parliament may have a meaning which they would not have in another." *Wilson v. Zulueta*, 14 Q. B. 405, (p. 415.)