machinery—and drew the very fine distinction between "common employment" and "superintendence," to which the Employers' Liability Act, 1880, subsequently gave an imperfect expression. Reid's representatives, therefore, recovered damages against the company, and the company appealed to the House of Lords, whose judgment reversed the decision of the Court below, and definitely incorporated the doctrine of "common employment" into the law of Scotland. "Where several workmen," said Lord Cranworth, "engage to serve a master in a common work, they know, or ought to know, the risks to which they are exposing themselves, including the risk of carelessness against which their employer cannot secure them, and they must be supposed to contract with reference to such risks. To constitute fellow labourers it is not necessary that the workman causing, and the workman sustaining, the injury should both be engaged in perfectly the same or similar acts. The driver and guard of a stage coach, the steerer and rower of a boat, the workman who draws the red hot iron from the forge and those who hammer it into shape, the engine-man who conducts a train and the man who regulates the signals, all are engaged in common work."

Public attention, however, had been aroused; a few instructive object-lessons on the hardship of the rule were given; and after the inevitable Committee of Enquiry had been appointed and reported, and the abortive measure, which seems an almost necessary prelude to useful legislation in this country, had been duly introduced and withdrawn, the Employers' Liability Act, 1880, passed into law. The provision of that modest enactment is well known to every student of law, and need not be here described. Perhaps no modern statute, with the exception of those—happily unfamiliar to colonial lawyers—which regulate bills of sale, has given rise to such difficulties as the Employers' Liability Act, 1880.

Ostensibly aimed against the doctrine of "common employment," its attack upon that doctrine was a mere half-hearted repudiation of some of its crudest applications. No new regulating principle was enunciated. No adequate definition of even its own terminology was offered; and the procedure by which the statutory remedies were to be enforced was technical and unsatisfactory to the last degree. The result was inevitable. In a few years an ocean of cases had submerged the little island raised by the ingenuity of the legislature as a basis for the doctrine of employers' liability, and the reign of chaos was restored. The new Employers' Liability Bill, now in a state of suspended animation, and ready to replace the statute of 1880, whose sickly existence has been prolonged to the 31st of December of this year by an Expiring Laws Continuance Act, is a much more satisfactory measure than its predecessor.

The following summary may serve the double end of emphasizing the defects of the old law and illustrating the mode in which it is now proposed to remedy them.

1. The benefits of the new Act are extended to tramway servants.*

2. A workman is not to be deemed to have incurred the risk of injury volun-

* In the case of *Cook* v. *The North Metropolitan Tramway Co.*, 18 Q.B.D. 683, it was held that a tramcar driver was not a workman within the meaning of the Employers' Liability Act, 1880.