(*b*) "*Ways.*"—In its ordinary sense this term may be regarded as embracing any part of the master's premises over which the servants pass on foot or otherwise, from one point to another (*b*). To constitute a "way" within the purview of the Act, it is not necessary that it should be marked out by metes and bounds or by habitual user (*c*).

In a more special sense the term signifies the line or course along which a thing which is being worked on or with is caused to move (*d*).

The "ways" with which the cases deal are usually horizontal or sloping. But presumably the term also covers such instrumentalities as the vertical shaft of a mine or of an elevator (*e*).

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using it. See sec. 10, post.] Loaded freight cars received from other lines form a part of the "works and machinery of the receiving company. *Bowers* v. *Connecticut R. Co.* (1884) 162 Mass. 312, 38 N.E. 508. See also next section.

(*b*) "The course which a workman would in ordinary circumstances take in order to go from one part of a shop where part of the business is done to another part where business is done, when his duties require him to go, is a 'way.'" *Willetts* v. *Watt* (C.A.) [1892] 2 Q.B. 92, per Lord Esher. Compare the statement that the word applies to such places as a workman or servant is called upon to pass over in the performance of his duty. *Caldwell* v. *Mills* (1893) 24 Ont. R. 462, holding that a plank put down to serve as a fulcrum for a lever, if it is placed in such a position that servants have to pass over it in the course of their duties, was a "way." For specific instances of "defects" in what were *conceded* to be "ways," see sec. 7 (a) post.

(*c*) *Willetts* v. *Watt* (C.A.) [1892] 2 Q.B.D. 92, Fry, L.J., said (p. 99):—"In determining what is a 'way' we should, I think, look to the fact that workmen have to go through places where sometimes there is an open space, while at other times what was an open space is covered with stores or other things used in the business. We should consider, further, the case of an open yard where the whole or only a small part might be used at any time according as there were a great many or only a few workmen going through it. I think that these and other considerations show that we should answer in the negative the question whether metes and bounds are necessary to a 'way' under the statute. There are many ways which persons have a right to use that are not defined by any physical boundary, and to hold that such a boundary is necessary would be to withdraw from the protection given by the statute a large number of places used by workmen in which the mischief at which the statute was aimed might arise. For the purpose of this case, I should say that wherever there is a large space connected with or used in the business of the employer, over which the workmen pass in the course of their employment, when that space is for the time being vacant, and is so used, it is a 'way' within the meaning of the statute."

(*d*) The most familiar instance of such a way is a railway track. See *Kansas City, &c. R. Co.* v. *Burton* (1892) 97 Ala. 240. 12 So. 88; *Louisville &c. R. Co.* v. *Bouldin* (1895) 110 Ala. 185; *McQuade* v. *Dixon* (1887) 14 Sc. Sess. Cas. (4th Ser.) 1039. A roadway of iron plates along which loads are conveyed in a car was held to be a way in *McGiffin* v. *Palmers &c. Co.* (1882) 10 L.R.Q.B.D. 1. Doubtless the term would also be held to include the ways in a ship-building yard or the skids used for the transfer of heavy articles, such as logs, barrels, etc., or the posts between which the hammer of a pile-driver moves up and down.

(*e*) In *Peagram* v. *Dixon* (1886) 55 L.Q.B.B. 447, it was apparently assumed that a lift-well in a building under construction becomes a "way" when workmen placed ladders in it for the purpose of obtaining access to the upper floors.