

1. *Introductory.*—In the last number of this Journal we had occasion to notice a decision by the Manitoba Court of Appeal with regard to the right of certain employes to a lien for their wages under the Builders' and Workmen's Act. In the present article it is proposed to deal comprehensively with the general question which was presented under one of its aspects in the case referred to, viz., what classes of persons are within the purview of enactments by which the common law rights of employes with respect to the recovery of remuneration for their services have been modified. For the purpose of supplementing the English and Colonial authorities on the subject, the writer has drawn freely upon the copious stores of American case-law. The use of that source of information is abundantly justified by the fact that most of the existing Canadian enactments in this field of legislation are modeled upon those which have been enacted in the United States.

The decisions regarding the construction of the clauses by which the scope of statutes of this description in respect of persons is defined are extremely conflicting. This remark is applicable even to the groups of cases concerned with statutes which are directed to the same general objects: and the antagonism is of course still more pronounced if those of a dissimilar, as well as those of a similar type, are included in the comparison. Under these circumstances it is apprehended that the preferable, if not the only feasible method of dealing with the subject is to take up each of the enactments *seriatim*, and show what construction has been placed upon them. But it will be advisable in the first place to specify the various rules of statutory construction and other elements which are treated as determinative considerations in cases of the kind with which we have to deal.

(a) The rule of statutory construction that the words used by the legislature are to be taken in their ordinary sense.

(b) The rule "that general words are to be restricted to the same genus as the specific words which precede them".

¹ Willes J.—*Fenwick v. Schmale* (1868) L.R. 3 C.P. 308 (316).

"The general word which follows particular and specific words of the