

Memo to: Joseph Allen, Esquire - 6 - August 25, 1966  
City Solicitor

out, citing the Sun Cab and Freeland cases, that 'it is not the manner in which the alleged master actually exercised his authority to control and direct the action of the servant which controls, but it is his right to do so that is important.'"

Aside from the other criteria there can be no doubt that once the prisoners are delivered to the site of operations they are under the control of a representative of the City and subject to his orders and direction.

In Harris vs. Baltimore, 151 Md. 11, the Court held that a park policeman was not a "workman employed for wages" and relative thereto, at page 16, said:

"That he was not a 'workman' in the usual and proper sense of that word seems to be plain enough because it is ordinarily used and understood as designating one engaged in some form of manual labor, skilled or unskilled."

Inasmuch as the prisoners involved in this matter are used to perform manual labor, there can be no doubt that they are workmen as contemplated by the Workmen's Compensation Law.

The word "wages" has been defined as a compensation agreed upon by a master to be paid to a servant, or any other person hired to do work or business for him. It is also said that the word "wages", in a limited sense, means pay given for labor, usually manual or mechanical at short stated intervals. Black's Law Dictionary, page 1750.

Here the prisoners are paid compensation for their labor at the rate of \$1.00 per day.

While I have found no Maryland case that is determinative of the present query, similar situations have been considered by the courts in other jurisdictions.

In the case of California Highway Commission vs. Industrial Accident Commission, 251 Pac. 808, it was held