3. —— under the United States Bankruptcy Act.—(a) *Scope as determined by the reasons for allowing the preference.* In a case decided with reference to the Act of 1867, the court remarked that it was to be regarded as embracing those classes of employés who, under normal circumstances, are dependent for their subsistence upon their wages or salaries exclusively, and whose probable necessities entitle them to special protection[1].

(b) *Footing upon which this Act is to be construed.* The present writer has not found any explicit expression of opinion with regard to the question, whether the provision in this Act regarding the priority of wages should be strictly or liberally construed. But as the Supreme Court of the United States has definitely adopted the doctrine that statutes creating specific liens for labour are to receive a liberal construction[2], it may reasonably be assumed that the Bankruptcy Act, so far as it relates to the preference of the claim of servants, would also be construed on this footing.

(c) *Meaning attached to the specific expressions used to designate the preferred classes of employés.* The expressions "workmen, clerks, or servants," as used in the existing Act have not been defined by the legislature[3], and so few cases involving their construction have as yet been decided that the scope which will ultimately be ascribed to them is a matter of

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that the expression "wages" does not include remuneration paid in the form of commissions. *People* v. *Remington* (1887) 45 Hun, 329, Aff'd. 109 N.Y. 631 (memo.) (see § 7(*f*), *post*); *Re Mayer* 101 Fed. 227.

[1] *Re Rose*, 1 Am. Bkry. R. 68. The conclusion which the court deduced from the principle thus laid down was that an independent contractor is not within the purview of the statute. But this deduction may more properly be referred to the more general considerations referred to in § 21, *post*.

[2] *Flagstaff Mining Co.* v. *Cullins* (1881) 104 U.S. 176.

[3] In two cases it has been held that the meaning of these words is not controlled by the definition of the expression "wage-earner" which is given in § 1(27), viz., "an individual who works for wages, salary, or hire at a rate of compensation not exceeding $1,500 per year. That definition, it is considered, refers only to the section by which "wage-earners" are excluded from the list of the parties against whom an involuntary petition may be filed. *Re Scanlon* (1899) 97 Fed. 26; *Re Carolina Cooperage Co.* (1899) 96 Fed. 950.