kind of work that they are deemed to be "labourers" within the meaning of these statutes[30]. But a person engaged for the specific purpose of performing manual labour as well as work of a higher quality is entitled to a preference, possibly in respect to the whole of his wages, irrespective of the nature of the services by which they were earned[31]—certainly in respect of

---

fessional services, as well as the services of the officers of the corporation, should be likewise protected."

See also *Prendergast* v. *Yandes* (1890) 124 Ind. 159, 8 L.R.A. 849, § 7(*c*), *post*.

A man hired to work as general clerk and bookkeeper, and to make himself generally useful, during the reconstruction of a hotel, and afterwards as clerk and steward, was held not to be entitled to a labourer's lien under the North Carolina statute, although he occasionally did some manual work upon the building, was held in *Nash* v. *Southwick* (1897) 120 N.C. 459.

A "woodsman" who superintended a large number of hands on a turpentine farm, and also worked as a clerk in the employer's commissariat department, was held not to be entitled to a lien as a "labourer," although he did a considerable amount of manual labour in the discharge of his duties. *Cole* v. *McNeill* (1896) 99 Ga. 250.

That an agent whose principal duty was to collect money due to his employer was not within a statute which prefers debts for "labour" debts, although occasionally, in performance of his duties, he did some manual work in fixing machines, was held in *Clark's Appeal* (1894) 100 Mich. 448.

That the Washington statute creating liens for labour does not cover manual labour performed as an incident to a person's connection with a corporation as stockholder and general manager, his actual incentive being his interest in the expected profits, was held in *Addison* v. *Pacific Post Milling Co.* (1897) 79 Fed. 459. The allusion to the motive of the claimant in this case, however, seems to introduce a supererogatory factor.

[31] Thus it has been held that one who not only acts as overseer and assistant superintendent, but performs manual labour in the construction of a building, is within an Act which gives a lien to "all persons" performing labour for the construction of a building. *Williamette F. Co.* v. *Renick* (1855) 1 Or. 169.

So also a superintendent or foreman of labourers who remains with them, directing their work, and sometimes working himself, is a "labourer." *Texas & St. L.R. Co.* v. *Allen*, 1 White & W. Civ. Cas. Ct. of App. § 508.

In *Ricks* v. *Redwine* (1884) 73 Ga. 273, it was conceded that a hotel clerk would have been entitled to a lien, if he had performed manual labour *as a part of his duties*. But this concession must be interpreted with reference to the general principle embodied in the cases cited in note 29, *supra*.

A practical miller, who was employed by a corporation engaged in building flour mills and in manufacturing and selling milling machinery, and whose duty it was to go from place to place and start new mills or new machinery, erected by the corporation, for the purpose of showing the vendors the practical results obtainable and procuring their acceptance of the mills and machinery, was held to be within a statute, preferring debts for "labour" owing by insolvents. *In re Black* (1890) 83 Mich. 513. (How.