

thus propounded was, however, not stated with relation to the scope of the provision, *quoad personas*. It was not alluded to in any of the cases cited in the following subdivision, and there is no indication of its having appreciably influenced any of the conclusions at which the courts arrived. So far as any controlling principle is traceable in those cases, it seems rather to have been that the descriptive expressions are to be understood in their ordinary sense.

(c) *Meaning attached to the specific expressions used to designate the preferred classes of employés.* In the earlier English Bankruptcy Acts the only words used to designate the classes of employés entitled to a preference were "any clerk or servant." By the terms of the Preferential Payments in Bankruptcy Act, 1888, § 1, (which, so far as regards the subject now under discussion, is a re-enactment of the corresponding provision in the Bankruptcy Act, 1883), a priority is allowed to the "wages or salary of any clerk or servant," and to the "wages of any laborer . . . whether payable for time or piece work."

The more comprehensive terms of the latest enactments are apparently to be regarded as indicating an intention to include all servants of the classes specified, irrespective of the duration of their engagements. If this supposition be correct the cases in which it was laid down that the Act of 1825, although its operation was not confined to servants hired by the year³, was not to be considered as being applicable, unless the hiring was of longer duration than a week⁴, can no longer be considered as

³ (*Ex parte Collyer* (1834) 4 Deac. & Ch. 520, 2 Mont. & Ayr. 21; *Ex parte Humphreys* (1835) 3 Deac. & Ch. 14.)

⁴ *Ex parte Crawford* (1831) Mont. 270; *Ex parte Skinner* (1833) Mont. & Bl. 417 (see *Ex parte Collyer* (1834) 2 Mont. & A. 29; 4 D. & C. 520 where the report of the earlier case was corrected by the court); *Ex parte Neal* (1829) 1 Mont. & McA. 194. The considerations upon which the court relied in *Ex parte Crawford*, *supra*, were that the insertion of the word "clerks" would have been surplusage, if the word "servants" had been used in a general sense; that the phraseology by which the terms of remuneration—"six months' wages and salary,"—were described could not with propriety be understood as having reference to workmen, who were paid daily or weekly; and that there was no express mention of "workmen" in the Act.