

within the purview of the former'. It is obvious that a court which deals with a case from this standpoint may conceivably be led to conclusions different from those which might have been recited, if the later statute stood alone.

(h) The terms by which the remuneration which is the subject-matter of the statute is described. As will be shown in §§ 4(c), 13, 15, 17, *post*, the use of the word "wages" alone is regarded as an element which is indicative of an intention on the part of the legislature to exclude from the purview of the statute those classes of employes who are ordinarily spoken of as being in the receipt of "salaries."

(i) The nature of the claimant's position, viewed with reference to the question whether it enabled him to protect himself adequately in his dealings with the employer. Although this element has sometimes been adverted to as a ground for confining the application of statutes to employes of the lower grades, it is probably not to be regarded as one which, for purposes of differentiation, possesses an independent force.

2. Employes entitled to a preference under the English and Colonial Bankruptcy and Insolvency Acts.—(a) *Scope of these Acts as determined by the reasons for allowing the preference.* It has been stated that the principle upon which a preference has been accorded to the "servants and clerks" of bankrupts is that they suffer more severely than any other creditors from the loss of their employment¹.

(b) *Footing on which these Acts are to be construed.* With regard to one of the earlier Acts it was laid down by one of the Commissioners in Bankruptcy that the provision as to the preference of wages was to be strictly construed². The doctrine

¹ See, for example, *Weise v. Rutland* (1894) 71 Miss. 933.

See also the extract from the opinion of the court in *Wetherby v. Sacony Woollen Co.* (N.J. Eq. 1894), 20 Atl. 326, § 7(b), *post*. The argument in that case illustrates the conclusion which may be indicated by the course of legislation, both as a factor which justifies an enlarged construction, and as a factor which operates restrictively.

² *Ex parte Gee* (1839) Mont. & C. 99.

³ *Ex parte Hampson* (1842) 2 Mont. D. & De Gex. 402.