

the insertion of the word "employé" in the previous enactments, in *pari materia*, and the broadening of the language in other respects justified the inference that the alterations were made for the purpose of enlarging, *quoad personas*, the scope of the lien².

8. — of words, single or grouped, not importing manual work.—

(a) *Employés*. In its most extended signification this term is applicable to any person employed by another. In statutes of the type under discussion it is invariably associated with other expressions which serve to show more or less precisely the meaning which the legislature intended to attach to it. But there is some authority for the doctrine that, even if it were used alone, it should not be construed as including a person occupying so high a position as that of manager or superintendent of an entire concern³. Such a doctrine, however, can scarcely be regarded as beyond discussion in all the American States. It is directly opposed to the views of the English courts with respect to the scope of the term "servant," as used in the Bankruptcy Acts⁴.

The meaning of the term employé is sometimes restricted by the words of the title of the statute in which it occurs. Thus it has been held that, when used in the body of an Act of which the purpose is to provide "labourers'" liens for wages, it should be regarded as being equivalent to "labourers," and therefore not applicable to the superintendent of a mining company⁵.

(b) "*Clerks*." This expression has been held not to be ap-

² *Wiese v. Rutland* (1894) 71 Miss. 933.

³ In *Pullis Bros. Iron Co. v. Boemler* (1901) 91 Mo. App. 85, the court expressed the opinion, *arguendo*, that by popular use of the term is confined to "clerks or labourers who work for a salary or wages."

Reference may also be made to a case in which it was held that the secretary of a railroad company is not a "servant" or "employé" within a foreclosure decree directing the payment of sums due to "any servant or employé." *Wells v. Southern Min. R. Co.* (1880) 1 Fed. 270. The *ratio decidendi* was that the secretary is an "officer."

⁴ See § 2, note 5, *ante*.

⁵ *Malcomson v. Wapoo* (1898) 86 Fed. 192.