

On the other hand a provision of this tenor is not applicable to a civil engineer"; nor to a professional chemist in the employ of an iron company"; nor to the secretary and treasurer of a company"; nor to a clerk of a hotel"; nor to a clerk in a mercantile establishment"; nor to the editors and reporters of news-

who draws the plans for every part of the work, and directs its execution according to such plans and specifications. This is labour—mechanical labour of a high order—contributing its proportionate value to the beauty, strength, and convenience of the edifice. Why is this not entitled to be considered as meritorious as mere manual labour with the tools of a trade? Both are necessary, or were deemed so to be in this case, to the progress of the building, and were performed in and about its construction."

The reasoning and conclusions of the court in the above case have been adopted in *Knight v. Norris* (1868) 13 Minn. 473; and *Stryker v. Cassidy* (1879) 76 N.Y. 80, Rev'g. 10 Hun, 18. In the last-mentioned case the court, discussing the effect of a statute granting a lien to "any person who should perform any labour," said: "This language is general and comprehensive, and its natural and plain import includes all persons, who perform labour, in the construction or reparation of a building, irrespective of the grade of their employment, or the particular kind of service. The architect who superintends the construction of a building performs labour as truly as the carpenter who frames it, or the mason who lays the walls, and labour of a most important character. It is not any the less labour within the general meaning of the word, that it is done by a person who is fitted by special training and skill for its performance. The language quoted makes no distinction between skilled and unskilled labour, or between mere manual labour and the labour of one who supervises, directs, and applies the labour of others. . . . Looking at the whole Act it is plain that it was not passed simply for the protection of labourers, using that word in a restricted sense as designating those who work with their hands, and are dependent upon their daily toil for their subsistence. Mechanics' Lien Acts were originally enacted for the especial protection of this class of persons, but their scope has been greatly extended. Under the Act in question a lien may be created not only in favour of workmen employed by a contractor, but in favour of the contractor also."

See also *Mulligan v. Mulligan* (1866) 18 La. Ann. 20, which is to the same effect as the cases above cited. See § 9, note 9, *post*.

That a person who superintends construction is within the purview of a statute which grants a preference to anyone who shall do any "work" in respect to a building, and declares that this expression shall be deemed to include labour of any kind, whether skilled or unskilled, was held in *Fische v. Hanna* (1896) 8 Colo. App. 4,

²² *Pennsylvania R. Co. v. Leuffer* (1877) 84 Pa. 168.

²³ *Cullom v. Lickdale I. Co.*, 5 Pa. Dist. R. 622.

²⁴ *Fidelity Ins. T. & S. Co. v. Roanoke I. Co.*, 81 Fed. 439 (Va. Acts of March 21, 1877, and April 2, 1879).

²⁵ *Ricks v. Redwine* (1884) 73 Ga. 273.

²⁶ *Hinton v. Goode* (1884) 73 Ga. 233; *Oliver v. Maconb & Co.* (Ga. 1896) 25 S.E. 403.