great uncertainty. The application of the familiar rule with respect to the construction of statutory words derived from a foreign enactment would naturally lead American judges to treat the English cases as authorities of a strongly persuasive force, so far as regards the meaning of the words "clerks" and "servants." On the other hand, it is only to be expected that the Federal Courts should be greatly influenced by the general trend of opinion in those State Courts which have shown a disposition to affix to the words "servants" and "employés," as used in the statutes discussed in §§ 5-8, a more restricted meaning than they bear in England. The influence thus indicated is possibly accountable, in some degree at least, for two decisions to the effect that a travelling salesman is not entitled to a preference[4].

The same remark is perhaps applicable to two cases in which priority was refused to the claims of directors of companies who had acted as general manager. The position of such persons was considered to be that of representatives or vice-principals, exercising a supreme authority over the corporate affairs[5].

(*d*) *Scope of Act, considered with reference to the character of the remuneration.* It has been held that a claim for commissions by an employé engaged outside his employer's store in procuring customers, under an agreement for the payment of

[4] *In re Scanlon* (1899) 97, Fed. 26, the broader meaning of the word "servant" was deliberately repudiated, and it was held that the petitioner was neither as a "workman," "clerk," or "servant." This decision is directly opposed to that in the English case of *Ex parte Neal*, cited in § 2, note 5, *ante*.

For the other decision excluding employés of this class from the benefits of the Act, see *Re Greenewald* (1900) 99 Fed. 705.

It has been held that the term "clerk" is not confined to its strict lexicographical meaning of a person employed to keep records or accounts, and that it includes also a salesman employed in a shop or store. *Re Flick* (1900) 105 Fed. 503. But in *Re Scanlon, supra*, this popular American sense of the term was considered to be inadmissible in construing the Act.

[5] *Re Grubbs, W. D. Co.* (1899) 96 Fed. 183, (director and general manager of a mercantile corporation); followed in *Re Carolina Cooperage Co.* (1879) 96 Fed. 950 (president of business corporation). The conclusion thus arrived at is antagonistic to that which was adopted in the English decision, *Ex parte Collyer* (1834) 2 Mont. & A. 29, 4 D. & C. 520.