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## DECISIONS IN COMMERCIAL LAW.

ALLEN V. FLOOD.—Judgment was given by the House of Lords on Dec. 14th in this important case which involves the relations of employers and employees. Flood and Taylor were employed by the Glengall Iron Company to do woodwork on a ship. They had previously, as non-union men, aroused the antipathy of the iron workers, who, through one Allen, an official of the union, secured their dismissal. There was no breach of contract as Flood and Taylor were employed by the day. Allen's motive, it was alleged, was one of spite, since the dismissed workmen were at the time not competing with members of the union, since working on another part of the ship. An action was brought against Allen. The case finally found its way to the House of Lords, where it was held:

"There is a class of cases which have sometimes been referred to as evidencing that a bad motive may be an element in the composition of civil wrong; but in these cases the wrong must have its root in an act which the law generally regards as illegal, but excuses its perpetration in certain exceptional circumstances from considerations of public policy. These are well known as cases of privilege, in which the protection which the law gives to an individual who is within the scope of these considerations consists in this, that he may with immunity commit an act which is a legal wrong, as but for his privileges would afford a good cause for action against him; all that is required in order to raise the privilege and entitle him to protection being that he shall act honestly in the discharge of some duty which the law recognizes, and shall not be prompted by a desire to injure the person who is affected by his act. Accordingly, in a suit brought by that person, it is necessary for him to prove an intent to injure in order to destroy the privilege of the defendant. But none of these cases tend to establish that an act which does not amount to a legal wrong, and therefore needs no protection, can have privilege attached to it, and still less, that an act in itself lawful is converted into a legal wrong if it was done from a bad motive." Lord Bowen (at that time Lord Justice Bowen), in the case of "Mogul Steamship Company v. McGregor," laid it down that in order to constitute legal malice, the act done must, apart from bad motive, amount to a violation of law. "The root of the principle is that, in any legal question, malice depends not upon evil motive which influenced the mind of the actor, but upon the illegal character of the act which he contemplated and committed."

AMERICAN WAREHOUSEMEN'S ASSOCIATION V. ILLINOIS CENTRAL RAILWAY.—As the "free storage case," this cause before the Interstate Commerce Commission has been followed with interest, both in the United States and Canada. The decision rendered last week holds that, with no general duty to act as warehouseman for indefinite periods in connection with its primary obligations as a common carrier, a railroad cannot assume to provide shippers with valuable warehouse facilities which are not essential to its business as a carrier, without furnishing them for all shippers at all times, and upon the same terms, and notifying the public. The decision is of course directed against a practice which has in the past resulted in discriminations, and might lead to serious evils.

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