

by the courts the doctrine of necessary evil will put at rest a much agitated branch of modern law. It bears an interesting resemblance to the use of privilege as a defence in actions for libel and slander.

The American view may be put side by side with that of Mr. Chalmers-Hunt. Mr. Eddy, in his recent work on Combinations, says (1901 ed. par. 470): "But when it clearly appears that there is an entire absence of legitimate motives, and that the damage is occasioned by acts which are the result of a deliberate intent to injure, then the law has, or should have, no difficulty in stamping the transaction, considered as an entirety, unlawful, and awarding the party injured whatever damages he has suffered. Such a conclusion does not involve the proposition that malice in and of itself is a cause of action, since a man may do many things not in themselves unlawful in the legitimate pursuit of his own lawful business, but at the same time with the malicious intent to injure others; but a man may not do wantonly and without any hope or expectation of profit or legitimate advantage to himself that which he knows must and which he intends shall inflict damage upon another. The practical question for court and jury is not so much whether or not malice exists, as it is whether or not the acts complained of were done in the legitimate pursuit of a legitimate business, or the legitimate exercise of some personal privilege: if so, then there is no redress for the party injured, since the law cannot undertake to distribute the damage according to the preponderance of the motives."

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JAPANESE LAW AND JURISPRUDENCE.

An article recently appeared on the above subject from the pen of Mr. A. H. Marsh, K.C., Toronto, in the *American Law Review*. His information was obtained from two lectures delivered in the United States by Dr. R. Masujima, of the Tokio Bar. We give the following extracts:

These lectures throw a flood of light for foreigners upon the present position of legal affairs in Japan, and it has occurred to me that possibly some persons might be interested in learning how some features of Japanese law and practice affect the mind of a foreign onlooker. The learned lecturer tells us that Japan possesses an excellent code of laws, and that, while in other countries codi-