

scale committee: *Glamorgan Coal Co. v. South Wales Miners Federation* (1903) 1 K.B. at pp. 126, 127.

III. Earlier indications of the principle.

Apart from what may be gathered from the *Mogul* case, there are indications in *Allen v. Flood* of the adoption of the principle of just cause or excuse. In that case Wills, J., who agreed with the majority of the House of Lords, thinks (p. 48) that neither the *Mogul* case nor any other says that the promotion of one's own interest will justify any and every means by which that end can be accomplished, and the utmost that can be said about self-interest as a justification for doing mischief to others, is that it is one of the circumstances to be taken into consideration in determining whether there is or is not just excuse for the wilful infliction of loss upon others.

Hawkins, J., who held with the minority (at p. 24), discusses the improbability of the defendant's action being dictated by a desire to protect trade interests, and is satisfied that they were not in any sense acting "in the exercise of any privilege, or in defence of any rights either of his own or the boiler makers."

In the House of Lords, where the case went off upon the weight to be attached to the presence or absence of malicious intent there is throughout the judgment an appreciation of the effect of lawful competition as an excuse for injury not limited to trade competition, but as extending to competition in labor. And Lord Herschell's already quoted remarks shew that the effect of the exercise of a competing right is fully recognized. Lord Macnaghten, in *Quinn v. Leatham*, may be said to have fully defined the law on this head when he said (p. 510) that the violation of a legal right committed knowingly is a cause of action . . . if there be no sufficient justification for the interference—which is equivalent to stating the proposition that the interference is wrongful if not supported by the possession of an existing legal right.

IV. When acts require justification.

The acts to be justified may be those of a single individual or they may be those of individuals similarly interested tending to the same end but without agreement. They may be the concerted acts of members of an association. The very agreement to do