

In cases where a servant has been successful in an action for wrongful dismissal, it is apparently proper, as a general rule, for the trial judge to order the master to restore a character handed to him by the servant when he entered the employment⁹. But a custom by which an employer whose servant is leaving him to take another situation should be bound to hand over to the new employer the character brought by the servant, has been pronounced unreasonable¹⁰.

2. *Master's duty as affected by statute.*—In some jurisdictions the common law rule has been modified by statutes applicable either to employers generally, or to employers of a particular class; and there seems to be good reason to anticipate that enactments of this type will be greatly multiplied in coming years. The desirability of thus supplying the deficiencies of the common law cannot be consistently disputed by anyone who is of opinion that it is proper to protect employes by legislation against "blacklisting." See § 15, *post*. Manifestly the refusal to give a character may often be virtually the equivalent of "blacklisting" so far as regards the injury inflicted on the servant. The statutes which have already been passed may be conveniently classified under two heads:

hold a certificate of good character and honourable discharge, it is important to corporations, their agents and servants, and all interested in them, to be cautious and conscientious in giving such discharges and recommendations, when they are honestly deserved, and in withholding them when they are not."

⁹ Such an order was made by Hill, J., in *Gordon v. Potter* (1859) 1 F. & F. 644.

¹⁰ In *Moult v. Halliday*, 77 L.T.N.S. 794 [1893] 1 Q.B. 125, 67 L.J.Q. B.N.S. 451, 46 Week. Rep. 318, 63 J.P. 8, Hawkins, J., thus referred to a point which had been incidentally discussed in the lower court: "I cannot say, I think that would be a reasonable custom. There is no obligation on a master or mistress to give a character to a servant, but, if a character is given, it should be a true one. A character may be true this month and false next. A servant may come into service with a good character, and yet during the first month circumstances may come to the master's knowledge which shew that it was undeserved and should be forfeited. It would be a scandalous thing if the master was bound after that to hand over the character which he knew was false. If the good character which the servant brought with her is handed over, it must be handed over in good faith. I think, therefore, that such a custom would be unreasonable, and, indeed, not honest, and therefore bad."