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DECISIONS IN COMMERCIAL LAW

LAZIER V. HENDERSON.—By the terms of a lease of shop premises, rent was made payable quarterly in advance. Thirteen days after a quarter's rent in advance had become due, the lessee made an assignment for the benefit of his creditors. There was a proviso in the lease that if the lessee should make any assignment for the benefit of creditors, the then current quarter's rent should immediately become due and payable, and the term forfeited and void, but the next succeeding current quarter's rent should also nevertheless be at once due and payable. It was held that the expression "arrears of rent due for three months following the execution of such assignment," in s. 34 of the Landlord and Tenant's Act, R.S.O., c. 170, means "arrears of rent becoming due during the three months following the execution of such assignment;" and the landlord was, therefore, apart from the proviso, entitled to the quarter's rent payable in advance on the quarter day next after the date of assignment. Also held, that the expression, "the preferential lien of the landlord for rent," in s. 34, has the same meaning that it had under the Insolvent Acts; and the landlord was entitled to be paid the amount found due to him, as a preferred creditor, out of the proceeds of the goods upon the premises at the date of the assignment, which were subject to distress, although there was no actual distress.

FREEDOM BUT NOT LICENSE.

The latest declaration as to the legal status of the boycott is found in an opinion rendered this week by the Supreme Court of Michigan in a case which arose out of a boycott of a firm of mill owners by striking union teamsters. The strikers picketed the mills and issued circulars establishing a boycott on the firm. The court prefaced an injunction against the strikers with a statement of the law regulating the relations between employer and employee. According to the court the law protects employers in the right to employ whom they please at prices they and their employees can agree upon, and to discharge them at the expiration of their term of service for violation of their contract. So, also, the laborers have the right to fix a price upon their labor, and to refuse to work unless that price is obtained. They have this right singly or in combination. They may organize in order to improve their condition and secure better wages, and may use persuasion to induce men to join their organization or refuse to work except for an established wage. They may present their cause to the public in newspapers or circulars in a peaceable way and with no attempt at coercion. This, however, marks the limit of either party's right. The injunction granted by the court restrained the strikers from picketing the premises and from distributing boycott circulars which were said to embody threatening language. Labor, as the decision illustrates, possesses freedom of action and of combination, but that freedom must not be construed to include intimidation or coercion of others whose right to labor or to employ labor is equally free.

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