

The interest awakened by the case of *Allen v. Flood* (1898) A.C. 1, and continued in the case of *Quinn v. Leatham* (1901) A.C. 495, has caused the true principle as to the rights of the contending parties in labor cases to be ascertained and applied. Prior to those cases a theory had been adopted as sufficient in all cases, which is not accepted at the present day. That was, that an intentional or malicious injury, if it caused damage, was actionable, whether done by one alone or by more than one in concert. This is the conclusion to be drawn from *Temperton v. Russell*, decided in 1893 (1 Q B. 435). In the light afforded by later decisions this view is now regarded as erroneous. The case of *Allen v. Flood* has demonstrated that malice or intent to injure (which is a state of mind) has no relation to and does not affect the existence or enforcement of a legal right. The *Mogul* case (1892) A.C. 25, decided that, granting injury resulted from the action taken, yet liability is avoided if that action be in the assertion of a legal right, though done at the expense of another and intentionally so done.

Quinn v. Leatham has systematized the matter, and has pointed out why neither malicious intent nor resultant damage give a cause of action. It is because the possession of an equal right is "just cause or excuse" for acts done in asserting it, and so constitutes a defence. Just cause or excuse, therefore, if it is to be equivalent to reliance upon a legal right, must not depend upon intention or belief, it must be based upon some actuality. It may, of course, involve various elements, but it is only influenced by attitude of mind in fixing the relation of one or other of the parties to the particular dispute, and in ascertaining his true position in the quarrel.

It may be asserted generally and as a rule that the same considerations which will justify individual interference will be found applicable to associations of men, and that the connection between the men and their governing bodies and the officers thereof may be just as delicate and intricate as the relations between individuals, so far as this branch of law is concerned.

II. *Origin of just cause or excuse.*

In approaching the question as to what is "just cause or excuse" there is one statement which approximates to the funda-