effect has been discussed may be conveniently arranged under four distinct heads, which have reference to the nature of the remedy sought by the servant.

(*a*) *Actions for libel.*—Under the general principles of the law of libel, it is clear that, where a notice shewing the unfitness of a discharged servant for the position he held is sent by his former employer to other employers in the same line of business, without malice, and for the sole purpose of enabling them to avoid the employment of unsuitable persons, the publication must be regarded as privileged, as being made *bonâ fide* upon a subject-matter in which the party communicating the information has an interest, or in reference to which he has a duty, to persons having a corresponding interest or duty[2]. On the other hand the privilege of the occasion will not protect an employer who inserts in a notice of this description a defamatory statement which he knows, or should know, to be false[3].

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[2] In *Wabash R. Co.* v. *Young* (1904) 162 Ind. 102, 69 N.E. 1003, a declaration which alleged that the appellant railway company "blacklisted" the appellee, by informing another railway company that he was a "labour agitator," was held not to describe such malicious interference with the appellee's business as would create a liability at common law. An analysis of the judgment of the court discloses the following grounds for its decision: (1) That there was no averment that a charge of this nature was calculated to injure the appellee, or that any odium attached to members of such orders or to labour agitators; (2) That the charge was not libelous per se, as implying the use of unlawful or improper means to promote the interests of labouring men; (3) That no connection was shewn between the alleged statement and the failure of the appellee to obtain employment or his loss of any position; (4) That for aught that appeared in the declaration, the statement made concerning the appellee was true, and, if it was true, it could not render the appellant liable; (5) That the information given to the second railway company was not volunteered by the appellant, but was given in answer to an inquiry.

The general phraseology used in the text to express the quality of a privileged communication is taken from the judgment of Lord Campbell in *Harrison* v. *Bush* (1855) 5 El. & Bl. 344.

[3] An action was held to be maintainable for sending the following printed circular to a number of employers following the same business as the plaintiff's master: "John Lally, an apprentice in my shop, not out of his time, quit work without cause on August 1. If he is working for you now, or applies for work, you will understand the situation. Article eleven of the by-laws covers the case." *Lally* v. *Cantwell* (1890) 40 Mo. App. 44 (45) (former appeal, 30 Mo. App. 524, where it was held that the petition stated a good cause of action). The court said that the word "quit" implied "wrongfully quit," a false statement, as the plaintiff had not been legally bound as an apprentice, and could quit at any time.