

and it will not be sufficient for him to show that he acted bona fide or without malice, or in the best interests of himself or others, or on a wrong understanding of his rights.

The case of the *Mogul Steamboat Co. v. McGregor Gow & Co.* (1892) A.C. 25, established, in a popular sense, competition in trade as a justification. But the learned judges are careful to point out that the case may be supported upon the ground that no legal right of the plaintiffs was infringed. It was really a case of competing rights of trading and the effect of it is that the defendants used their right to do business so as not to infringe the rights of the plaintiffs, though to their detriment. If the defendants had, under the guise of trade competition, used firearms to keep off those desiring to serve the plaintiffs they could not plead that as a justification. Yet those means were actually used in *Tarleton v. McGawley*, 1 Peake N.P.C. 270. The effect was, precisely the same in both cases and the plaintiffs' right invaded, if any were infringed, was exactly identical. It is in the excuse that the difference lies. In one case trade was pushed by trade methods, in the other by practices not recognised as lawful, except where trading is superseded by war. They were, as Lord Holt pointed out in *Keeble v. Pichersgill*, 1 Mod. 74, 131, done in the way and under the guise of competition, yet were in themselves violent and unlawful.

V. Cases where justification disallowed.

Upon the complicated questions always arising out of combinations in which various interests become involved, three cases may be looked at. They present the same problem in different ways. They are: *Read v. The Friendly Society* (1902) 2 K.B. 88, 732; *Giblan v. National Amalgamated Labourers Union* (1903) 2 K.B. 600; *Glamorgan Coal Co. v. South Wales Miners Federation* (1903) 1 K.B. 118, 2 K.B. 545; to which may be added, *Lyons v. Wilkins* (1896) 1 Ch. 811.

These were all cases of procuring breaches of contract. The defendants in each were a federated body of workmen, and the disputes were actual ones carried on in what was believed to be the true interest of the working class and the federations.

In the *Read* case the federation compelled the employer to dismiss an apprentice, thereby procuring the breaking of a contract between the latter and his employer. The justification put for-