not be permitted in any jurisdiction in which the distinction between forms of action has been abolished. But presumably it is not allowable in any jurisdiction in which that distinction is still preserved[3].

In one case it was laid down that an apprentice who had been dismissed on the ground of misconduct of which he was not proved to have been guilty was entitled to recover for "all the damages flowing naturally from the breach," and that among the elements of damage, the jury might take into account the difficulty which an apprentice discharged for misconduct would have in obtaining employment[4]. This decision, as has been pointed out by an Australian judge, is not a specific authority for the doctrine that damages for loss of reputation are recoverable[5]. But the virtual effect of the doctrine thus propounded seems to be in some instances to enable a wrongfully dismissed servant to recover indirectly, under a general claim for damages, that compensation for impairment of reputation which he is not allowed to recover directly except under a special count. That enhancement of the difficulty of procuring other employment which is recognized as being a proximite consequence of

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[3] In *Comerford* v. *West End Street R. Co.* (1894) 164 Mass. 13, 41 N.E. 59, one count of the declaration alleged that the defendant falsely accused the plaintiff of larceny by words substantially as follows: "He is discharged from the employ of this company for misuse of passenger checks." Another count alleged that, under the circumstances set forth in the first one, the defendant wantonly dismissed the plaintiff, and falsely and publicly charged him with being dishonest therein. The court was of opinion that, if the latter count was to be construed as one for discharging the plaintiff under such circumstances as to impute to him a charge of dishonesty, it must fail, for the reason that an action of tort did not lie against an employer for wrongfully discharging an employé. The reason thus assigned would, it is clear, not have been decisive in the view of the judges who decided *Walton* v. *Tucker*, note 1, supra. The count condemned would by them have treated as one for special damages resulting from the plaintiff's dismissal.

[4] *Maw* v. *Jones* (1890) 25 Q.B.D. 107.

[5] Pring, J., in *Kelmar* v. *Souden* (1902) 2 New So. Wales St. Rep. 348, 19 N.W. 235. The other two judges declined to express a definite opinion on the point.