quested statement cannot be treated, for the purposes of enabling the servant to maintain an action, as being an act which is equivalent to a slander[3].

The extreme severity with which the rule may sometimes operate has recently been shewn in a very striking manner by its application in that class of cases in which several employers in a certain line of business enter into a mutual agreement that no person who has previously been in the service of one of them shall be hired by any other, unless he can produce what is known as a "clearance card" from his last employer. Although it is evident that an arrangement of this kind may render it extremely difficult, or even virtually impossible, for a servant who has not received the requisite certificate to obtain work similar to that which he has been doing the courts have declined to qualify the common-law doctrine[4]. The lawful act of refusing the clearance card is not converted into a tort by the fact that the refusal in

---

wife was dismissed from defendant's service, another party, who was willing to employ her upon the presentation of satisfactory information regarding her character, declined to take her into his service, on account of defendant's failure to give her a character. Upon the admission of the plaintiff's counsel that he had no precedent for such an action, Lord Kenyon said that there was no case; nor could the action be supported by law. By some old statutes, regulations had been established respecting the character of labourers; but in the case of domestic and menial servants, there was no law to compel the master to give the servant a character. . might be a duty which his feelings might prompt him to perform; but there was no law to enforce the doing of it.

That the obligation of a master to give a servant a character belongs to the imperfect class and is not enforceable by law, has been held in Scotland also. *Fell* v. *Ashburton*, (Sc. Ct. of Sess. 1809) Fac. Dec. 446, cited in Fraser, M. & S. p. 129.

To the same general effect see *Moult* v. *Holliday* (1898) 1 Q.B. 125, (per Hawkins, J., arguendo); *Limbeck* v. *Gerry* (1896) 15 Misc. 663, 39 N.Y. Supp. 95; and cases cited in the following notes.

[3] *New York, C. & St. L.R. Co.* v. *Schaffer* (1902) 65 Ohio St. 414 (418, 419) 62 L.R.A. 931, 62 N.E. 1036.

[4] In *Cleveland, C.C. & St. L.R. Co.* v. *Jenkins* (1898) 174 Ill. 398, 51 N.E. 811, the court thus discussed the rights of the servant: "From the evidence produced on this question, and from the judicial notice which we take of the ordinary general management of railroads, it is apparent that what is known as a clearance card is simply a letter, be it good, bad or indifferent, given to an employé at the time of his discharge or end of service, shewing the cause of such discharge or voluntary quittance, the length of time of service, his capacity, and such other facts as would give to those concerned information of his former employment. Such a card is in no sense a letter of recommendation, and in many cases might, and probably would, be of a form and character which the holder would hesitate and decline to present to any person to whom he was making applica-