

II. ESSENTIALS OF A BOYCOTT AND ACTIONABLE WRONGS.

1. *Its meaning and definitions.*—Let us now consider what the boycott really is, and what the essentials of boycotting are that will constitute an actionable wrong. Some mention must be made from both the standpoint of the civil action and from that of the criminal action, as they are not in all respects similar.

It will be observed from the statements made that both parties in the subject under discussion have rights which, perhaps, though not strictly so in all phases, may, with general propriety, be called inherent; therefore an amicable and praiseworthy solution of differences is to be obtained by negotiation and adjustment by and between the opposed forces, with the limitations of each to be prescribed by the courts of justice.

A boycott, as commonly understood, "is a combination of many to cause a loss to one person by coercing others, against their will, to withdraw from him their beneficial business intercourse through threats that unless those others do so, the many will cause similar loss to them" (b).

Black's Law Dictionary defines a boycott as "a conspiracy formed and intended directly or indirectly to prevent the carrying on of a lawful business or to injure the business of anyone by wrongfully preventing those who would be customers from buying anything from or employing the representatives of said business, by threats, intimidation, or other forcible means."

The Century Dictionary defines a boycott to be "an organized attempt to coerce a person or party into compliance with some demand, by combining to abstain or compel others to abstain from having any business or social relations with him or it; an organized persecution of a person or company as a means of coercion or intimidation or other forcible means."

Fauntelroy, J., thus states it: "The essential idea of boycotting, whether in Ireland or the United States, is a confederation, generally secret, of many persons whose intent is to injure another by preventing any and all persons from doing business with him, through fear of incurring the displeasure, persecution and vengeance of the conspirators." (c).

(b) *Toledo, etc., Ry. Co. v. Penn. Co.* 54 Atl. 730.

(c) *Crump v. Commonwealth*, 10 Am. St. Rep. 895.