

error. In combining for a just attainment, they have often devised means that could only stifle and destroy competition itself, and shut others out from the rights and benefits which they themselves were claiming. While what competition really means, and the application of the principles sanctioned by it have raised serious and perplexing questions, the courts seem to have met them fairly and to have found their solution in old established principles not different from those generally invoked in determining liberty and license of action by one person toward another. It is when one oversteps the line and attempts to enhance his own interests by tearing down the lawful business of another through fraud and violence, prompted by a malicious motive, that his acts cease to be competition alone, and become actionable wrongs (a).

The courts have not only observed great injustice in the permitting of business enterprises to be dominated by boycotts, but have also given expression to the great dangers that would be attendant with such practices. Nothing jeopardizes the business interests of a commonwealth more effectively than a feeling of insecurity. When one invests his money in a business enterprise it is necessary for him to know whether his own judgment may direct its management and detail, or whether the violence and ignorance of others is to supplant him. Business men have a general idea of their rights and immunities under the law, and a confidence of their enforcement which is indispensable. Neither does our sense of justice allow that a business should be dictated and controlled by those who have no interest therein and no capital invested, who are in no way responsible for its losses or failures and receive no direct benefit in its success, and are non-participants in the profit. If, for example, a labour union may by coercive measures control in the employment of help by a corporation, stipulating as to whom they shall employ, and the wage that shall be paid, where is the dictatorial power going to be made to end. It would not be confined to matters of employment. Power thus given would be insatiate in its demands for more, and precedents furnish no guaranty of a moderate and reasonable use of it; indeed, the direst acts known to time, and those which humanity most regrets have been wrought by men in the exercise of irresponsible power.

(a) 2 Bishop's Criminal Law, s. 230, note; *Hilton v. Eckerley*, 6 E. 2. B. 47; *Carver v. Rutherford*, 106 Mass. 1.