

can argue with him. Fruitful discussion is manifestly out of the question where one of the disputants starts with the assumption that the official jurists on the bench are entirely warranted in their position that the rights of litigants may be settled with greater facility by dividing torts into several classes, while the other disputant reasons from a non-official theory of his own which not only does away with all distinctions between those classes, but elevates what has always been considered as merely a species to the dignity of a genus, and makes it cover every case in which a duty is violated.

ENJOINING A BOYCOTT.

The American legal journals have been discussing at considerable length the recent judgment of the United States Circuit Court of Appeals in the case of *Hopkins v. The Oxley Stave Co.*, on appeal from the Circuit Court of Kansas. A report of the case will be found in the *Albany Law Journal* of Dec. 4. The application of the plaintiff company was to prevent the members of a labor organization (defendants in the Court below) from conspiring to carry out a boycott against the company, having for its purpose the compelling the latter to withdraw from use a newly invented machine for hooping barrels. The contention of the defendants was that this machine largely reduced the number of men employed in the manufacturing of barrels. The substantial question was whether the agreement entered into by the members of the defendants' association to boycott the contents of all barrels and packages made by the company which were hooped by machinery, was an agreement against which a court of equity could afford relief. The court below granted an injunction, and the defendants appealed. The contention of the appellants was that it was a lawful agreement, such as they had a right to make and carry out for the purpose of maintaining the rate of wages then paid to journeymen coopers, and that