

Sage, J., gives this definition: "A boycott is an illegal conspiracy in restraint of trade" (*d*). This definition, however, seems to invite inquiry rather than to closely define.

The term "boycotting" is of recent origin, and is derived from the name of Captain Boycott, an Irish landlord in Ireland, upon whom the system was severely invoked during the land agitation there in 1880-81, he having incurred the displeasure of certain land tenants. The system was repeatedly resorted to by the agrarian associations, and has since been made the subject of criminal conspiracy. But while, therefore, the term "boycott" is found only in late decisions, yet it is believed that it has called into operation no new principles of law, but merely that old and well established rules of the common law are made to apply. Indeed, it seems that many of the actions brought in the old common law courts arose from acts not differing greatly from those comprising the modern boycott. Some of these will now be mentioned.

The earlier instances appearing in the books where a right of action was granted to a plaintiff because of the interference with his business relations with others seem to have been where tenants were threatened in life and limb, "so that they departed from their tenures to the plaintiff's damage" (*e*). This appears to have been a very common occurrence, and there was a common law writ used specially in such cases: "Quare tenentibus de vita et mutilatione membrorum suorum comminatus fuit." Another instance is, "if the comers to my markets are disturbed or beaten by which I lose my toll, I shall have a good action for trespass on the case" (*f*). A case is also recorded where an abbot brought action against those who roughly disturbed them who came to his chapel so that he was deprived of the value of their offerings (*g*). The courts at an early period also distinguished between illegitimate interference with another's business, and mere competition. Thus it was held that if a new school was set up in the town so that "whereas the plaintiffs were used to get for a child 40d. per quarter, now they get but 14d. per quarter," no action would lie against the competitor (*h*); so where a competitive miller diverted the plaintiff's

(*d*) *Casey v. Cincinnati Typographical Union*, 45 Fed. Rep. 235.

(*e*) 9 Henry 7, 7 (1494).

(*f*) 14 Henry 4, 47 (1410); 29 Edw. 3, 18 (1356).

(*g*) *Bellevue*, A. Sur. C. (1396).

(*h*) 11 Henry 4, 47 (1410).