

Tarleton v McGawley [1793] 170 ER 153

The case examines intentional intimidation as unlawful interference in trade.

Evidence

The plaintiff was involved in trading on a ship, the Tarleton, with local residents of Cameroon. However, the ship commanded by the defendant tried to interfere in this trade by shooting a cannon in an attempt to hit the Tarleton. Subsequently, the shot from the cannon resulted in the death of a local who was on board. The intent of the defendant was to interrupt the trade and scare the local buyers because they owed him money. The plaintiff accused McGawley of interference.

Problematics

It is important to establish whether the actions of McGawley might be interpreted as unlawful interference considering that he was owed money and tried to recover the debt.

Resolution

The losses of the plaintiff were the result of the fear of the danger. The locals did not want to trade with the plaintiff due to the possible risk of injuries or death from McGawley's ship cannons. The court determined that although the defendant could have applied to the local court to recover the debt, he was not entitled to take the law into his own hands. In addition, firing the cannon wasn't an accidental act, as it was proved that McGawley had the intention to disallow locals from engaging in the trade until the debt had been paid. McGawley delivered rough justice and viciously attempted to obstruct local residents from trading with the plaintiff. Consequently, these actions contributed to the injuries of locals and the financial losses of the plaintiff.

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