

CHAPTER 623

UNLAWFUL BUSINESS PRACTICES

**623.01 TRUSTS AND COMBINATIONS IN RESTRAINT OF TRADE, PROHIBITED.**

Mere size of corporation is not an offense when unaccompanied by unlawful conduct in the exercise of its power. That competitors may see proper, in the exercise of their own judgment, to follow prices of another manufacturer, does not establish any suppression of competition or show any sinister domination. *United States v International Harvester Co.* 47 SC 748, 274 US 693.

Injunction against picketing and boycotting by trade union as violation of state anti-trust act. 6 MLR 333.

Covenant not to enter into competition. 17 MLR 444.

Industrial combinations and the law. 18 MLR 369.

Right to restrict membership in labor unions; closed shop contracts. 23 MLR 236.

Labor injunctions. 24 MLR 757, 759.

Price and production control through trade associations. 25 MLR 208.

Strikes and boycotts; scope of peaceful picketing. 28 MLR 198.

**623.07 VACATION OF RIGHTS; MOTION BY ATTORNEY GENERAL.**

Rule 26 of the Duluth board of trade does not violate the Minnesota anti-trust statute as its direct and necessary tendency is neither to restrain trade by preventing competition in the business of buying and selling grain, nor to limit, fix, control, maintain, or regulate the price or production of any article of trade, manufacture, or use bought and sold within the state, nor to prevent or limit competition in the purchase and sale thereof; and in a proceeding by the state against a corporation and its officers charging them with violation of the anti-trust statute, the state may appeal from a judgment in favor of the defendant. *State v Duluth Board of Trade*, 107 M 506, 121 NW 395.

**623.08 PETROLEUM; DISCRIMINATION BETWEEN LOCALITIES PROHIBITED.**

L. 1907, c. 269, forbidding discriminations in the prices charged for petroleum or any of its products as relied upon in the instant case, wherein defendant is charged with discriminating in the selling price of kerosene oil, is a valid police regulation and not unconstitutional. A wrongful act which if committed by a domestic corporation would render it liable to a forfeiture of its corporate existence would render a foreign corporation committing it liable to a forfeiture of its franchise to do business in the state whose laws it has violated. *State v Standard Oil*, 111 M 85, 126 NW 527.

**623.19 MONOPOLIZATION OF FOOD PRODUCTS.**

L. 1909, c. 468, an act to prevent unlawful discrimination in the sale of milk, cream, and butter fat, does not violate the equality provision of either the state or federal constitution or the prohibitions of the state constitution as to special legislation. The classification of the act is not an arbitrary one and the act is constitutional. *State v Bridgeman*, 117 M 187, 134 NW 496.

# MINNESOTA STATUTES 1947 ANNOTATIONS

1499

UNLAWFUL BUSINESS PRACTICES 623.26

## **623.21 BUCKET SHOP; CRIME, WHEN COMPLETE.**

Dealings in commodity futures. 18 MLR 544.

## **623.23 ACCESSORIES.**

A complaint alleging that a local brokerage association received orders to purchase and sell shares of stock, with no intention of executing them and which were never executed, properly charges the association with bucketing within the meaning of section 623.21. Complaint alleging that orders placed by a person acting in good faith with a local brokerage association were bucketed with the knowledge of copartnerships engaged in brokerage business which furnished the association with stock exchange information in violation of sections 623.21 and 623.23 states a cause of action against the association and copartnerships for damages caused by violation of the statute intended for the benefit of plaintiff. There is no misjoinder of parties. *Kaiser v Butchart*, 200 M 545, 274 NW 680.

## **623.24 DUTY OF COMMISSION MERCHANTS AND BROKERS.**

The burden of proof is upon the one who asserts the illegality of the transaction, and failure to comply with the provisions of section 623.24 makes a prima facie case of an illegal transaction. *Banner Grain Co. v Burr*, 162 M 334, 202 NW 740.

In an action brought by a grain commission merchant against a corporation operating a country elevator and its guarantors to recover an alleged indebtedness arising out of transactions between plaintiff and the corporation where the defendants claimed illegal transactions in futures, the failure of the grain commission merchant to furnish confirmation required by section 623.24 makes a prima facie case of illegal transaction. *Fraser v Farmers Cooperative Assn.* 167 M 369, 209 NW 33, 913.

Nature and effect of relationship between stockbrokers and margin customers. 7 MLR 398.

Future dealings in commodities. 18 MLR 544.

## **623.25 GIFT ENTERPRISES; MERCHANDISE PREMIUMS.**

A gift enterprise by which a merchant or tradesman sells his wares for the market value, but, by way of inducement, gives to each purchaser a ticket which entitles him to a chance to win certain prizes to be determined after the manner of a lottery, is common gaming. OAG June 2, 1947 (733-F).

## **623.26 GIFT ENTERPRISES; PUBLICATIONS.**

The contest involving skill and no subscription to the paper or other requirement being made of the contestee, the contest was not the sort of gift enterprise defined in and prohibited by section 623.26. *Holt v Rural Weekly Co.* 173 M 337, 217 NW 345.