

## CHAPTER VII

### FACTORS' AGREEMENTS

#### NOTE

THE general aim and purpose of factors' agreements is too well known to require any extended consideration by the editor. They may like pools be established with a variety of purposes in view. Primarily their object is to fix prices. But they may be readily used to suppress competition by requiring that the factor shall not deal in the goods of a competitor. Other objects may come within the scope of the agreement as is shown by the exhibits following.

The Dr. Miles Medical Company decision, excerpts of which have been made a part of this chapter, dealt a severe blow to the factors' agreement. Hereafter it will probably prove a somewhat emasculated device for the furtherance of combination and consolidation, and the limitation of competition.—Ed.

#### EXHIBIT I

##### TABLE AND STAIR OIL CLOTH ASSOCIATION <sup>1</sup>

This agreement made this.....day of.....one thousand eight hundred and eighty-seven, between.....of the city of .....State of....., party of the first part, and the Table and Stair Oil-cloth Association, party of the second part, *witnesseth:*

*First.* That the party of the first part will, during the continuance of this agreement, on or before the tenth day of each calendar month, and beginning on the 10th day of July, 1887, make and render to the commissioner of the party of the second part an accurate statement of all goods of.....own manufacture, of the character specified in schedules "A and B", hereto annexed, sold and shipped by the party of the first part during the preceding month, which statement shall contain the names of the persons to

<sup>1</sup> Report of the Senate Committee on General Laws on Investigation relative to Trusts, N. Y. Senate Document, No. 50, 1888, pp. 609-617.