

causes such exclusion or the motives of her action are not the subject of judicial inquiry." The Wisconsin law having been held to be constitutional, Illinois enacted a similar law governing insurance companies chartered in other States. In the case of *Baron v. Burnside*,\* the court held that the motive of the State in requiring a license to be taken out by a foreign corporation was a subject for judicial inquiry, and that if the requirement of a license was designed to afford the State the means of compelling foreign corporations to carry on their litigation in the State courts, the requirement was unconstitutional. This decision goes some way towards the position that a corporation, like an individual, has equal rights in all the States, and the corporation organized in West Virginia has the same rights in Illinois that an Illinois corporation has, with the added right of removing all suits brought against it into Federal courts. Still more recently, Justice Bradley, in the Circuit Court, in the *Arthurkill Bridge* case, used this language: "It is argued that corporations, as such, have no legal existence outside the State by whose laws they are created, and cannot transact business in another State except by the comity of its laws, which is not accorded in the present case."

The doctrine is subject to much qualification. Shortly after *Baron v. Burnside* was decided, a corporation was formed to absorb all the gas companies of Boston. A charter could not be obtained in Massachusetts, because the law of that State limited the capital of new gas companies to \$500,000, probably for the very purpose of preventing such a combination. It is also probable that the legislature would have refused to charter a company organized to accomplish, in effect, a gas trust. Therefore the promoters of the scheme got a New York charter, though by the very nature of their enterprise, they could only transact business in Massachusetts, and while the opinions of Supreme Court Judges are not yet decisive on the point, they lean strongly towards the position that a gas trust, organized in New York, to do business in Massachusetts, has every privilege in the latter State that a domestic corporation would have, and two besides, viz., the right to transfer all suits against it to the Federal courts, and the fact that the legislature of the State where it operates cannot touch its charter.

Trusts may be created for the purpose of doing business. They may be allowed to continue and exist as unincorporated companies; they may be organized in one State and do business all over the country, yet there can be no doubt that they are void on the ground of public policy. Public policy unquestionably favors competition in trade, to the end that its commodities may be afforded to the consumer as cheaply as possible: and is opposed to monopolies, which tend to advance the market prices to the injury of the general public.

In 1880, a voluntary association of salt manufacturers was formed in Ohio, for the purpose of selling and transporting that commodity. By articles of association, all salt manufactured or owned by the members, when packed in barrels, became the property of the company whose committee was authorized and required to regulate the price and grade thereof, and also to control the manner

\*7 Sup. Ct. Rep. 931.