

STATE OF KANSAS.

SESSION LAWS OF 1889,

PASSED AT THE TWENTY-THIRD REGULAR, THE SAME BEING THE SIXTH BIENNIAL
SESSION OF THE LEGISLATURE OF THE STATE OF KANSAS.

DATE OF PUBLICATION OF VOLUME, MAY 25, 1889.

TOPEKA.

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AUTHENTICATION.

THE STATE OF KANSAS, }
OFFICE OF SECRETARY OF STATE. }

I, William Higgins, Secretary of State of the State of Kansas, do hereby certify that the printed acts and resolutions contained in this volume are true and correct copies of the enrolled laws and resolutions, and of memorials, which were passed at the regular biennial session of the Legislature, begun on the 8th day of January, A.D.1889, and concluded on the 4th day of March, A.D.1889; and I further certify that all laws and joint resolutions contained in this volume, not having taken effect by publication in some newspaper as per certificate thereunto annexed, will take effect and be in force from and after the 25th day of May, 1889, (except when otherwise provided.)

Given under my hand and seal, this 25th day of May, A. D. 1889.

[SEAL.]

WILLIAM HIGGINS, *Secretary of State.*

CHAPTER CCLVII.

TRUSTS AND COMBINATIONS IN RESTRAINT OF TRADE
AND PRODUCTS—PENALTIES.

AN ACT to declare unlawful trusts and combinations in restraint of trade and products, and to provide penalties therefor.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all arrangements, contracts, agreements, trusts or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the importation, transportation or sale of articles imported into this state, or in the product, manufacture or sale of articles of domestic growth or product of domestic raw material, or for the loan or use of money, or to fix attorneys' or doctors' fees, and all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed or which tend to advance, reduce or control the price or the cost to the producer or to the consumer of any such products or articles, or to control the cost or rate of insurance, or which tend to advance or control the rate of interest for the loan or use of money to the borrower, or any other services, are hereby declared to be against public policy, unlawful, and void.

SEC. 2. It shall not be lawful for any corporation to issue or to own trust certificates, other than the regularly and lawfully authorized stock thereof, or for any corporation, agent, officer or employes, or the directors or stockholders of any corporation, to enter into any combination, contract or agreement with any person or persons, corporation or corporations, or with any stockholder or director thereof, the purpose and effect of which combination, contract or agreement shall be to place the management or control of such combination or combinations, or the manufactured product thereof, in the hands of any trustee or trustees, with the intent to limit or fix the price or lessen the production and sale of any article of commerce, use, or consumption, or to prevent, restrict or diminish the manufacture or output of any such article.

SEC. 3. That all persons entering into any such arrangement, contract, agreement, trust, or combination, or who shall,

after the passage of this act, attempt to carry out or act under any such arrangement, contract, agreement, trust or combination described in sections one or two of this act, either on his own account or as agent or attorney for another, or as an officer, agent or stockholder of any corporation, or as a trustee, committee, or in any capacity whatever, shall be guilty of a misdemeanor, and on conviction thereof shall be subject to a fine of not less than one hundred dollars and not more than one thousand dollars, and to imprisonment not less than thirty days and not more than six months, or to both such fine and imprisonment, in the discretion of the court.

Guilty of.

Any person injured may.

SEC. 4. That any person or corporation injured or damaged by any such arrangement, contract, agreement, trust or combination described in sections one or two of this act, may sue for and recover in any court of competent jurisdiction in this state, of any person or corporation, the full consideration or sum paid by him for any goods, wares, merchandise and articles included in or advanced or controlled in price by said combination, or the full amount of money so borrowed.

SEC. 5. That when an action at law or suit in equity shall be commenced in any court of this state, it shall be lawful in the defense thereof to plead in bar or in abatement that the plaintiff or any other person interested in the prosecution of the case is a member or agent of an unlawful combination as described in sections one or two of this act, or that the cause of action grows out of such combination, or out of some business or transaction thereof.

A violation of.

SEC. 6. That the purchase, sale or manufacture of any goods, wares, merchandise or other commodities in this state by any person or corporation who has entered into any such arrangements, contracts, agreements, trusts or combinations in any other state or territory, as described in sections one or two of this act, or the purchase, sale or manufacture of any such articles by any agent or attorney for such person, or as an agent, officer or stock-broker of any such corporation, as a trustee, committee, or in any capacity whatever, shall constitute a violation of this act, and shall subject the offender to the aforesaid liabilities and penalties.

County attorney, duty of.

SEC. 7. It shall be the duty of the county attorneys to diligently prosecute any and all persons violating any of the provisions of this act in their respective counties. If any county attorney shall fail, neglect or refuse to faithfully perform any

duty imposed upon him by this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars, and be imprisoned in the county jail not less than ten days nor more than ninety days; and such conviction shall operate as a forfeiture of his office, and the court before whom such conviction may be had shall order and adjudge such forfeiture of office, in addition to the fine imposed as herein provided. And whenever the county attorney shall be unable or shall neglect or refuse to enforce the provisions of this act in his county, or for any reason whatever the provisions of this act shall not be enforced in any county, it shall be the duty of the attorney general to enforce the same in such county, and for that purpose he may appoint as many assistants as he shall see fit, and he and his assistants shall be authorized to sign, verify and file all such complaints, informations, petitions and papers, as the county attorney is authorized to sign, verify, or file, and to do and perform any act that the county attorney might lawfully do or perform; and for such services he or his assistants shall receive the same fees that the county attorney would be entitled to for like services, to be taxed and collected in the same manner.

SEC. 8. It shall be the duty of all sheriffs, deputy sheriffs, constables, mayors, marshals, police judges and police officers of any city or town, having notice or knowledge of any violation of the provisions of this act, to notify the county attorney of the fact of such violation, and to furnish him the names of any witnesses within his knowledge by whom such violation can be proven. If any such officer shall fail to comply with the provisions of this section he shall upon conviction be fined in any sum not less than one hundred dollars nor more than five hundred dollars; and such conviction shall be a forfeiture of the office held by such person, and the court before whom such conviction is had shall, in addition to the imposition of the fine aforesaid, order and adjudge the forfeiture of his said office. Sheriffs, duty of.

SEC. 9. It shall be the duty of the district courts to instruct the grand juries especially as to the provisions of this act. District courts, duty of.

SEC. 10. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 9, 1889. WILLIAM HIGGINS, *Secretary of State*.

CHAPTER CCLVIII.

UNIVERSITY OF KANSAS—GOVERNMENT AND MAINTENANCE OF.

AN ACT to provide for the government and maintenance of the University of Kansas.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The name, The University of Kansas, and its location at Lawrence, in Douglas county, are continued under this act.

Shall provide.

SEC. 2. The University shall provide the means of acquiring a general and thorough knowledge in literature, the sciences and the arts, and also to provide students who desire to pursue special studies, with the most approved appliances, authorities and instruction to insure the greatest knowledge and research in any special branch of learning connected with university education.

Consist of.

SEC. 3. The University shall consist of three departments: I. A department of the literatures; II. A department of the sciences; III. A department of the arts. Within these three departments there shall be established such schools as the regents in connection with the faculty may order.

Board of.

SEC. 4. The government of the University is vested in a board of seven regents, six of whom shall be appointed by the governor and confirmed by the senate, and whose term of office shall be four years. Two of the said regents shall be appointed on the first day of April, 1889, and shall hold their office until the first Monday of February, 1893. Two others shall be appointed on the first day of April, 1890, one of whom shall hold his office until the first Monday of February, 1891, and one shall hold his office until the first Monday of