

ACTS

OF THE

GENERAL ASSEMBLY



OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS
BEGUN AND HELD IN THE CITY OF FRANKFORT, ON
MONDAY, THE THIRTIETH DAY OF DECEMBER,
EIGHTEEN HUNDRED AND EIGHTY-NINE.

VOLUME I.

PROPERTY OF THE STATE OF KENTUCKY.

FRANKFORT, KY.:
CAPITAL OFFICE, E. POLK JOHNSON, PUBLIC PRINTER AND BINDER,
1890.

CHAPTER 1621.

AN ACT to prevent the establishment of pools, trusts and conspiracies, and to provide punishments therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That if any corporation under the laws of Kentucky, or under the laws of any other State or country, for transacting or conducting any kind of business in this State, or any partnership, company, firm or individual, or other association of persons, shall create, establish, organize or enter into, or become a member of, or a party to, or in any way interested in any pool, trust, combine, agreement, confederation or understanding with any other corporation, partnership, individual or person, or association of persons, for the purpose of regulating or controlling or fixing the price of any merchandise, manufactured articles or property of any kind, or shall enter into, become a member of, or party to, or in any way interested in any pool, agreement, contract, understanding, combination or confederation, having for its object the fixing, or in any way limiting the amount or quantity of any article of property, commodity or merchandise to be produced or manufactured, mined, bought or sold, shall be deemed guilty of the crime of conspiracy, and punished therefor as provided in the subsequent sections of this act.

Pools, trusts and conspiracies prohibited.

§ 2. It shall not be lawful for any corporation to issue or to own, have or sell any trust certificates or stocks, or for any corporation's agent, officer or employe, agent or director, or any corporation to enter into, either verbally or in writing, any combinations, contract, agreement or understanding with any person or persons, corporation or corporations, or with any director, agent or officer thereof, the purpose or effect of which combination, contract, agreement or understanding would be to place the management, control

Trust certificates.

or any part of the business of such combination or association, or the manufactured product thereof, in the hands or under the control, in whole or in part, of any trustee or trustees, or agents, or any person whatever, with the intent, or to have the effect to limit, fix, establish or change the price of the production or sale of any article of property or of commerce, or to prevent, restrict, or in any way diminish the manufacture or output of any such article or property.

Penalty.

§ 3. If any corporation, company, firm, partnership or person, or association of persons, shall, by court of competent jurisdiction, be found guilty of any violation of any of the provisions of this act, such guilty party shall be punished by a fine of not less than five hundred dollars, and not more than five thousand dollars. Any president, manager, director or other officer or agent, or receiver of any corporation, company, firm, partnership or any corporation, company, firm or association, or member of any corporation, firm or association, or any member of any company, firm or other association, or any individual found, by a court of competent jurisdiction, guilty of any violation of this act in the first section thereof, or any of them, shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or may be imprisoned in the county jail not less than six months nor more than twelve months, or may be both so fined and imprisoned in the discretion of the court or jury trying the case.

Contracts void.

§ 4. Any contract or agreement or understanding in violation of the provisions of the preceding sections of this act shall be null and void; and any purchasers of property or article, or of any commodity, from any individual, firm, company or corporation transacting business contrary to the preceding sections of this act, shall not be liable for the price or payment of such article or commodity or property, and may plead and rely on this act as a complete defense to any suit for such price or payment.

§ 5. If any corporation created or organized by or under the laws of this State shall be indicted and convicted for any violation of any of the provisions of this act, such indictment, trial and conviction in any court of competent jurisdiction shall have the effect to forfeit the charter of such corporation without any further proceedings on the subject of the forfeiture of its charter; but any corporation whose charter is so forfeited shall have the right of appeal as is provided in other cases, and the filing of the bond as is required by law shall suspend the judgment of forfeiture until same is passed upon by the court to which the case is appealed.

§ 6. It shall be the duty of the circuit judges, and other judges of similar jurisdiction in this State, to give the provisions of this act in charge to the grand juries at each term of their courts.

§ 7. The provisions of the Code of Practice regulating appeals in other cases shall apply to appeals under this act, and this act shall take effect and be in force from and after its passage.

Approved May 20, 1890.

CHAPTER 1622.

AN ACT to prescribe the form of report made out by the Stewards to Superintendents of the various charitable institutions in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In order that the Superintendents of the various charitable institutions of this Commonwealth may make out their financial reports to the Governor with a uniformity, it is hereafter made the duty of the stewards of the various charitable institutions in this Commonwealth to submit their reports to the Superintendent under the form as provided in section two of this act.

Steward to report.