

PUBLIC ACTS

3326-7

AND

JOINT AND CONCURRENT RESOLUTIONS

OF

THE LEGISLATURE

OF THE

STATE OF MICHIGAN,

PASSED AT THE

REGULAR SESSION OF 1889,

WITH AN APPENDIX.



BY AUTHORITY.

LANSING:
DARIUS D. THORP, STATE PRINTER AND BINDER.
1889.

on proper test, or any adulterated vinegar, as provided in section four of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be punished for every offense by a fine of not less than fifty dollars, nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail not to exceed ninety days. Penalty.

SEC. 2. Every person who shall manufacture for sale, or offer or expose for sale, any vinegar found upon a proper test to contain any preparation of lead, copper, sulphuric acid, or other ingredients injurious to health, shall be guilty of a misdemeanor, and upon conviction thereof be punished as provided in section one. Unlawful to sell vinegar containing certain articles.

SEC. 3. No person by himself, or by his agent or employé shall sell, or offer for sale, exchange, deliver or have in his custody or possession, with intent to sell or exchange, or expose or offer for sale or exchange, any adulterated vinegar, or shall label, brand, sell or offer for sale as cider vinegar, or as apple vinegar, any vinegar not the legitimate product of pure apple juice, or that is not made exclusively from apple cider. Unlawful to sell, label or brand, etc.

SEC. 4. All vinegars sold or offered for sale, exchange or delivery, shall be without artificial coloring matter, and shall have an acidity equivalent to the presence of not less than four per cent, by weight, of absolute acetic acid, and in the case of cider vinegar, shall contain in addition not less than one and three-fourths per cent, by weight, of cider vinegar solids upon full evaporation over boiling water; and if any such vinegar contains any artificial coloring matter, or less than the above amount of acidity or in the case of cider vinegar, shall, if it contain less than the above amount of acidity or of cider vinegar solids, it shall be deemed to be adulterated within the meaning of this act, and the sale or offering for sale thereof shall be deemed a misdemeanor and punished as provided in section one. Color and test of vinegar.

SEC. 5. Every person making or manufacturing cider vinegar for sale shall brand on one head of each cask, barrel or keg containing such vinegar, the name and location of the manufacturer or firm, and also the words "cider vinegar." Cask, etc., to be branded.

SEC. 6. No vinegar shall be branded "fruit vinegar," unless the same be made wholly from apples, grapes or other fruits; and any person who shall brand or sell or offer for sale as such "fruit vinegar" any vinegar not made wholly from apples, grapes or other fruit, shall be guilty of a misdemeanor and punished as provided in section one. If branded, what must be.

This act is ordered to take immediate effect.

Approved July 1, 1889.

[No. 225.]

AN ACT declaring certain contracts, agreements, understandings and combinations unlawful, and to provide punishment for those who shall enter into the same or do any act in performance thereof.

Certain combinations or trusts, etc., declared criminal conspiracies.

Who to be a party thereto.

Penalty.

Where trial may be had.

Proviso.

Certain contracts, etc., void whether made in the State or not.

Carrying into effect such unlawful contracts a misdemeanor.

Penalty.

Corporation violating this law to forfeit charter.

SECTION 1. *The People of the State of Michigan enact, That* all contracts, agreements, understandings and combinations made, entered into, or knowingly assented to, by and between any parties capable of making a contract or agreement which would be valid at law or in equity, the purpose or object or intent of which shall be to limit, control, or in any manner to restrict or regulate the amount of production or the quantity of any article or commodity to be raised or produced by mining, manufacture, agriculture or any other branch of business or labor, or to enhance, control or regulate the market price thereof, or in any manner to prevent or restrict free competition in the production or sale of any such article or commodity, shall be utterly illegal and void, and every such contract, agreement, understanding and combination shall constitute a criminal conspiracy. And every person who, for himself personally, or as a member or in the name of a partnership, or as a member, agent, or officer of a corporation, or of any association for business purposes of any kind, who shall enter into or knowingly consent to any such void and illegal contract, agreement, understanding or combination, shall be deemed a party to such conspiracy. And all parties so offending shall, on conviction thereof, be punished by fine of not less than fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment at the discretion of the court. And the prosecution for offenses under this section may be instituted and the trial had in any county where any of the conspirators became parties to such conspiracy, or in which any one of the conspirators shall reside: *Provided, however,* That this section shall in no manner invalidate or affect contracts for what is known and recognized at common law and in equity as contracts for the "good will of a trade or business;" but all such contracts shall be left to stand upon the same terms and within the same limitations recognized at common law and in equity.

SEC. 2. Every contract, agreement, understanding, and combination declared void and illegal by the first section of this act shall be equally void and illegal within this State, whether made and entered into within or without this State.

SEC. 3. The carrying into effect, in whole or in part, of any such illegal contract, agreement, understanding or combination as mentioned in the first section of this act and every act which shall be done for that purpose by any of the parties or through their agency or the agency of any one of them, shall constitute a misdemeanor, and on conviction the offenders shall be punished by imprisonment in the State prison not more than one year, or in the county jail not more than six months, or by fine not less than one hundred nor more than five hundred dollars, or by both such fine and imprisonment in the discretion of the court.

SEC. 4. Any corporation now or hereafter organized under the laws of this State, which shall enter into any contract, agreement, understanding or combination declared illegal and criminal by

the first section of this act, or shall do any act towards or for the purpose of carrying the same into effect in whole or in part, and who shall not within thirty days from the time when this act shall take effect, withdraw its assent thereto and repudiate the same and file in the office of the Secretary of State such refusal and repudiation under its corporate seal, shall forfeit its charter and all its rights and franchises thereunder.

SEC. 5. It shall be the duty of the Attorney General upon his own relation, or upon the relation of any private person, whenever he shall have good reasons to believe that the same can be established by proof, to file an information in the nature of a *quo warranto* against any corporation offending against any of the provisions of this act; and thereupon the same proceedings shall be had as provided by chapter two hundred ninety-eight of Howell's Annotated Statutes, relating to proceedings by information in the nature of *quo warranto*, against corporations offending against any of the provisions of the act or acts creating, altering or renewing such corporations, and in other cases.

Duty of Attorney General.

SEC. 6. The provisions of this act shall not apply to agricultural products or live stock while in the hands of the producer or raiser, nor to the services of laborers or artisans who are formed into societies or organizations for the benefit and protection of their members.

Who exempt from provisions of act.

SEC. 7. It shall be the duty of the Secretary of State to cause this act to be published for four successive weeks in some daily paper in each of the cities of Lansing, Detroit, Grand Rapids and Marquette, commencing within ten days after this act shall take effect, and he shall also within the same time cause to be mailed to each of the corporations whose articles of association are on file in his office, a printed copy of this act, with a notice calling special attention thereto.

Duty of Secretary of State to publish act, etc.

Approved July 1, 1889.

[No. 226.]

AN ACT to provide for the collection of specific taxes from corporations, copartnerships, parties or persons, subject under any laws of this State to the payment of such taxes; to fix the time when such taxes become a lien upon the property of such corporation, copartnerships, parties or persons, and to define the property to which the lien shall attach; and to repeal act numbered fifty-seven of the session laws of eighteen hundred and seventy-two, approved March twenty-ninth, eighteen hundred and seventy-two, and acts numbered ten and eleven of the session laws of eighteen hundred and seventy-three, approved February fourteenth, eighteen hundred and seventy-three, being sections numbered twelve hundred forty-nine to twelve hundred fifty-six, both inclusive, of Howell's Annotated Statutes of eighteen hundred and eighty-two.