

# LAWS

—OF THE—

## STATE OF MISSISSIPPI,

PASSED AT A REGULAR SESSION

—OF THE—

## MISSISSIPPI LEGISLATURE,

—HELD IN THE—

CITY OF JACKSON,

COMMENCING JANUARY 7, 1890, AND ENDING FEBRUARY 24, 1890.

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1890.

upon the certificate of the president of said Convention, countersigned by the clerk or secretary, for any expenditure under the provisions of this act. CHAP. 36.

SEC. 7. In case of epidemic, either existing or threatened, the Governor may, by proclamation, change the time and place of meeting of said Convention, but the time of meeting shall not be postponed longer than such epidemic exists or is threatened. Place of meeting may be changed.

SEC. 8. That this act take effect on its passage.  
Approved February 5, 1890.

## Chapter 36

AN ACT to define trusts and to provide for penalties and punishment of corporations, firms, persons, and associations of persons connected with them, and to promote free competition in the State of Mississippi.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That a trust is a combination of capital, skill, or acts of two or more persons, firms, corporations or associations of persons, or between a corporation and a natural person; or between two or more agents of any person, corporation or association or of either two or more of them for either, any or all of the following purposes, to-wit: First, to create or carry out restrictions in trade. Second, to limit or reduce the production, or increase or reduce the price of merchandise or commodities. Third—To prevent competition in the manufacture, making, transportation, sale or purchase of merchandise, produce or commodities. Fourth—To fix at any standard or figure whereby its price to the public shall be in any manner controlled or established the price or cost of any article or commodity of merchandise, produce or commerce, intended for sale, use or consumption, or sold, used, or consumed in this State. Fifth—To make or enter into or execute or carry out any contract, obligation or agreement of any kind or description, by which they shall bind or have bound themselves not to dispose of, sell or transport any article or commodity, or article of trade, use, merchandise, commerce or consumption below a common or agreed standard, price or figure, or by which they shall agree in any manner to keep the price of any such article, commodity or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article or commodity or transportation between them or themselves and others to preclude a Trust defined

To preclude free competition.

CHAP. 36. free and unrestricted competition among themselves or others in the sale or transportation of any such article or commodity, or by which they shall agree to pool, combine or unite any interest they may have in connection with the sale or transportation of any such article or commodity that its price might in any manner be affected.

**SEC. 2.** That any two or more persons, firms or others as specified and named in section one, who shall enter into, form or constitute a trust, in any manner, or for any of the purposes defined, or stated in section one, or be guilty of any violation of either or all the provisions of this act shall be and they are hereby declared to be guilty of a conspiracy against trade, and any person who may be, or may become engaged in such conspiracy or take part therein, or aid, or advise in its commission, or who shall as principal, manager or directors, agent, servant or employee, or in any other capacity knowingly carry out any of the stipulations, purposes, prices, rates or orders thereunder, or in pursuance thereof, shall be punished by fine not less than fifty dollars, nor more than five thousand dollars, and by imprisonment in the penitentiary not less than one nor more than ten years, or by either such fine or imprisonment.

**SEC. 3.** That each day during a violation of the provisions of this act shall constitute a separate offense.

**SEC. 4.** That in any indictment for an offense named in this act, it is sufficient to state the purposes or effects of the trust or combination, and that the accused was a member, acted with or in pursuance of it without giving its name or description or how, when or where it was created.

**SEC. 5.** In prosecutions under this act it shall be sufficient to prove that a trust or combination as defined herein exists, and that the defendant belonged to it or acted for or in connection with it, without proving all the members belonging to it, or proving or producing any article or agreement, or any written instrument on which it may have been based, or that it was evidenced by any written instrument.

**SEC. 6.** Persons out of the State may be liable to indictment and conviction for committing any of the offenses enumerated in this act, which do not in their commission necessarily require a personal presence in this State.

**SEC. 7.** Each and every firm, person, corporation or association of firms or persons, who shall in any manner violate any of the provisions of this act, shall for

each and every day that such violation shall be committed or continued, forfeit and pay the sum of fifty dollars, which may be recovered in the name and for the State of Mississippi, in any county where the offense is committed, or where either of the offenders reside, before any court of competent jurisdiction, and it shall be the duty of the Attorney-General or District Attorney to prosecute for and recover the same, and all sums so recovered shall be paid into the State Treasury to the credit of the common school fund.

CHAP. 36.

Att'y-Gen'l to prosecute.

SEC. 8. That any contract or agreement in violation of the provisions of this act shall be absolutely void, and not enforceable in law or equity.

Contracts void.

SEC. 9. That any corporation holding a charter under the laws of the State of Mississippi which shall violate any of the provisions of this act shall thereby forfeit its charter and franchise, and its corporate existence shall cease and determine.

Forfeit charter.

SEC. 10. That for a violation of any of the provisions of this act by any corporation mentioned herein it shall be the duty of the Attorney-General or any District-Attorney, upon his own motion, and without leave or order of any court or judge, to institute suit by *quo warranto* proceedings in any county in the State where such corporation exists, does business, or may have a domicile, for the forfeiture of its charter, rights and franchise, and the dissolution of its corporate existence.

Duty of Attorney-Gen'l.

SEC. 11. That every foreign corporation violating any of the provisions of this act is hereby denied the right, and prohibited from doing any business within this State, and it shall be the duty of the Attorney-General to enforce this provision by injunction or other proper proceedings in the circuit or chancery courts of Hinds county, State of Mississippi.

Foreign corporations.

SEC. 12. That the penalties and forfeitures herein provided shall be held to be cumulative of each other, and of all other laws in any way affecting such trusts or combinations now or hereafter in force in this State.

Penalties cumulative.

SEC. 13. This act shall not be construed to embrace or apply to any individual or association engaged in the growth of agricultural or horticultural products or live stock, while retaining in their possession or in the possession of their agents or factors, any unsold products of their own growth, nor to any association or corporation within the State, nor to any of their business agencies or arrangements, for the promotion of agriculture, horticulture or stock raising, or the purchase and sale of any and all articles, implements and

Exceptions.

CHAP. 37. things for the use and protection of such industries ; nor to any other persons holding in their own hands as the owners thereof, or in the hands of agents of such owners, any and all raw materials of every character which are the growth, result or product of the property of the labor, skill or industry of any other such other persons.

SEC. 14. All acts and parts of acts in conflict with this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved February 22, 1890.

## Chapter 37

AN ACT to provide for the care of the insane colored people now in the county jails of this State and to provide for the erection of an additional building on the grounds of the Mississippi Lunatic Asylum at Jackson.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That there shall be erected on the grounds of the Mississippi State Lunatic Asylum, this State, a building of sufficient capacity to accommodate comfortably four hundred insane persons, the said building to be built of brick, without ornamentation, and covered with slate and located sufficiently near the present asylum building for the inmates to be supplied with heat, food, water and all other necessaries provided for the inmates of the present asylum building at Jackson.

To accommo-  
date 400 in-  
sane.

SEC. 2. That the trustees of the Mississippi State Lunatic Asylum at Jackson, together with the Auditor of Public Accounts, shall constitute a Board of Commissioners, whose duty it shall be to select a site, advertise for plans and specifications for said building as described in the first section of this act, and let the contract for the construction of said building according to such plan and specification as they may adopt, to the lowest responsible bidder, and perform such other duties as may be hereinafter provided for.

Site.

Contract for  
building.

SEC. 3. That the Board of Commissioners created by the first section of this act shall require the bidder to whom the contract is awarded for the erection and completion of said building to give a bond, payable to the State of Mississippi, in such amount as the said commissioners may prescribe, with good and sufficient security for the faithful performance of the contract. And the contract which may be made for the erection

Bond of con-  
tractor.