

L A W S,  
JOINT RESOLUTIONS, AND MEMORIALS,

PASSED BY THE

LEGISLATIVE ASSEMBLY

OF THE

STATE OF NEBRASKA,

AT ITS

TWENTY-FIRST SESSION,

BEGUN AND HELD AT THE CITY OF LINCOLN, JANUARY 1, 1889.

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*PUBLISHED BY AUTHORITY.*

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1889.

dollars, or shall be imprisoned in the county jail not exceeding thirty (30) days, either or both at the discretion of the court, and shall moreover be liable in a civil action to any person injured thereby in crops or otherwise, in three times the actual damage sustained in consequence of any such wrongful act or acts.

Repealing  
clause.

SEC. 16. Sections one hundred and fifty-eight (158) and one hundred and fifty-nine (159), of chapter sixteen (16) of the Compiled Statutes of 1887, entitled "Corporations," are hereby repealed.

Emergency  
clause.

SEC. 17. Whereas, an emergency exists, this act shall be in force from and after its passage.

Approved March 27th, 1889.

## CHAPTER 69.

[Senate File No. 14 ]

### TRUSTS.

#### Section.

1. Pooling and combinations to fix prices.
2. Same, each day a separate offence.
3. Same, damage, attorney fees.
4. Companies forfeit right.

#### Section.

5. Violation, duty of county attorney.
6. Same, penalty.
7. Power of court, persons, persons.
8. Labor associations.

AN ACT to prohibit persons, partnerships, companies, associations or corporations engaged as manufacturers or dealers from entering into any understanding, contract, combination, pool or trust for any purpose whatever, and to provide punishment for violations of the same, and providing means for the suppression of such evils, and remedies for persons injured thereby.

*Be it enacted by the Legislature of the State of Nebraska:*

Pooling and  
combinations  
to fix prices  
prohibited.

SECTION 1. It shall be unlawful for any person or persons, partnership, company, associa-

on or corporation, organized for any purpose whatever, or engaged in the manufacture or sale of any article of commerce or consumption, or for any such person or persons, partnership, company, association or corporation dealing in any natural product, to enter into any contract, agreement or combination with any other person or persons, partnership, company, association or corporation, organized and doing business in this state, or in any other state or territory and doing business in this state, engaged in the manufacturing, selling or dealing in the same or any like manufactured or natural product, whereby a common price shall be fixed for any such article or product, or whereby the manufacture or sale thereof shall be limited or the amount, extent or number of such product to be sold or manufactured shall be determined, or whereby any one or more of the combining or contracting parties shall suspend or cease the sale or manufacture of such products, or whereby the products or profits of such manufacture or sale shall be made a common fund to be divided among the respective persons, partnerships, companies, association or corporation so entering into such contract, agreement or combination.

SEC. 2. Pooling between persons, partnerships, companies, associations or corporations engaged in the same or like business for any purpose whatever, and the formation of combinations or common understanding between two or more persons, companies, partnerships, associations or corporations, in the nature of what

Same, each day a separate offense.

are commonly called trusts, for any purpose whatever, or the continuance of the same after the taking effect of this act, are hereby prohibited and declared to be unlawful, and each day of the continuance of any such pool of trusts shall constitute a separate offence.

Same, damage  
attorney's fee.

SEC. 3. That in case any person, person, company, partnership, association, or corporation shall do, cause to be done or permit to be done any act, matter or thing in this act prohibited or declared to be unlawful, such person, persons, partnership, company or corporation shall be liable to the person, person, partnership, company, association or corporation injured thereby, for the full amount of damages sustained in consequence of any such violations of the provisions of this act, together with a reasonable counsel or attorney fee to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case, and the property of any person who may be a member or interested in any partnership, association, company or corporation violating the provisions of this act shall be liable for the full amount of such judgment and may be levied upon and sold to satisfy the same.

Unincorporated  
companies  
forfeit right to  
do business.

SEC. 4. Any association of persons doing business in this state in a firm, partnership or corporate name and not incorporated under the laws of this state who shall violate the provisions of this act, in addition to the other penalties and liabilities herein provided, shall forfeit its right to do business in such firm,

partnership or corporate name; and if any such persons shall thereafter continue to do business in such firm, partnership or corporate name, they shall incur the penalties provided in section three (3), of the act entitled, "An act providing for the recording the names of the members of associations doing business under a firm, partnership or corporate name." Approved February 25th, 1875.

SEC. 5. Any corporation violating any of the provisions of this act, in addition to the other penalties and liabilities herein provided, shall surrender and forfeit its right and privileges as a corporation, and it shall be the duty of the prosecuting attorney of the proper county to institute proceedings against said corporation or the persons constituting the same for the purpose of having the same dissolved and the same proceedings shall be and the same judgment may be rendered as is provided in title twenty-three (23), entitled "Information of the Code of Civil Procedure."

SEC. 6. Any person, partnership, company, association or corporation subject to the provisions of this act, or any director, officer, receiver, trustee, clerk, lessee, agent, or person acting for or employed by them or either of them who shall violate any of the provisions of section one (1) or two (2) of this act shall be declared guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not exceeding one thousand (\$1,000) dollars, or imprisoned in the jail of the county for a

Violation, duty  
of county at-  
torney.

Same, penalty.

period not exceeding six (6) months, or both, in the discretion of the court.

Power of court, persons, books and papers.

SEC. 7. In any action brought under any of the provisions of this act the court before whom the same shall be pending may compel any person or persons, partnership, company, association or corporation so proceeded against, or any of the members of any such partnership or corporation, or any director, officer, receiver, trustee, agent, employee or clerk of them, or either of them, to attend, appear and testify in such suit or proceeding, and may compel the production of the books and papers of any such person, persons, partnership, company, association or corporation party to any such proceeding.

Labor associations.

SEC. 8. Nothing herein contained shall prevent any assemblies or associations of laboring men from passing and adopting such regulations as they may think proper in reference to wages and the compensation of labor, and such assemblies and associations shall retain and there is hereby reserved to them all the rights and privileges now accorded to them by law, anything herein contained to the contrary notwithstanding.

Approved March 29th, 1889.