

# LAWS OF MISSOURI,

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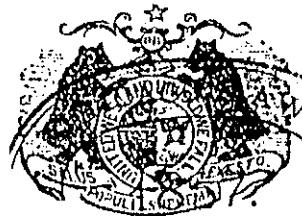
## THIRTY-FIFTH GENERAL ASSEMBLY

BEGUN AND HELD AT THE CITY OF JEFFERSON,

WEDNESDAY, JANUARY 2, 1889.

(REGULAR SESSION.)

BY AUTHORITY.



JEFFERSON CITY, MO.:  
TRIBUNE PRINTING COMPANY, STATE PRINTERS AND BINDERS.  
1889.

act, said company, association or corporation shall be punished by a fine of not less than one thousand dollars.

SEC. 5. Any sheriff of any county, or mayor, chief of police or member of the board of police commissioners of any city, now holding office or hereafter elected to any such office, who shall knowingly violate any of the provisions of this act, as set forth in sections two and three, shall be punished by imprisonment in the county jail for not less than three months nor more than one year.

Approved June 10, 1889.

## CRIMES AND CRIMINAL PROCEDURE: POOLS, TRUSTS AND CONSPIRACIES.

AN ACT entitled an act for the punishment of pools, trusts and conspiracies, and as to evidence in such cases.

### SECTION

1. Conspiracy defined.
2. Corporation not to own trust certificates.
3. Penalty for violation of preceding sections.
4. Contracts to be void, when.
5. Purchaser may plead this act in suit for purchase price.

### SECTION

6. Corporation to forfeit corporate rights—secretary of state to make inquiry—affidavit.
7. Secretary to give notice.
8. Prosecuting attorneys and attorney-general to prosecute.
9. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. If any corporation organized under the laws of this or any other state or country, for transacting or conducting any kind of business in this state, or any partnership or individual of other association of persons whatsoever, shall create, enter into, become a member of or a party to any pool, trust, agreement, combination, confederation or understanding with any other corporation, partnership, individual, or any other person or association of persons, to regulate or fix the price of any article of merchandise or commodity, or shall enter into, become a member of or a party to any pool, agreement, contract, combination or confederation to fix or limit the amount or quantity of any article, commodity or merchandise, to be manufactured, mined, produced or sold in this state, shall be deemed and adjudged guilty of a conspiracy to defraud, and be subject to indictment and punishment as provided in this act.

SEC. 2. It shall not be lawful for any corporation to issue or to own trust certificates, 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. If a corporation or a company, firm or association shall be found guilty of a violation of this act, it shall be punished by a fine of not less than one per cent of the capital stock of such corporation or amount invested in such company, firm or association, and not to exceed twenty per cent of such capital stock or amount invested. Any president, manager, director or other officer or agent or receiver of any corporation, company, firm or association, or any member of any company, firm or association, or any individual, found guilty of a violation of the first section of this act, shall be punished by a fine of not less than five hundred dollars nor to exceed five thousand dollars, and in addition thereto may be imprisoned in the county jail not to exceed one year.

SEC. 4. Any contract or agreement in violation of any provision of the preceding sections of this act shall be absolutely void.

SEC. 5. Any purchaser of any article or commodity from any individual, company or corporation transacting business contrary to any provision of the preceding sections of this act shall not be liable for the price or payment of such article or commodity, and may plead this act as a defense to any suit for such price or payment.

SEC. 6. Any corporation created or organized by or under the laws of this state which shall violate any provision of the preceding sections of this act shall thereby forfeit its corporate right and franchises, and its corporate existence shall thereupon cease and determine; and it shall be the duty of the secretary of state, after the passage of this act, to address to the president, secretary or treasurer of each incorporated company doing business in this state a letter of inquiry as to whether the said corporation has merged all or any part of its business or interest in or with any trust, combination or association of persons or stockholders as named in the preceding provisions of this act, and to require an answer, under oath, of the president, secretary, treasurer or any director of said company; a form of affidavit prescribed by the secretary of state shall be enclosed in said letter of inquiry; and on refusal to make oath in answer to said inquiry, the secretary of state shall immediately revoke the charter of said company, and make publication of such revocation in four newspapers of general circulation in the four largest cities of the state.

SEC. 7. It shall be the duty of the secretary of state, upon satisfactory evidence that any company or association of persons duly incorporated and operating under the laws of this state have entered into any trust, combination or association as provided in the preceding provisions of this act, to give notice to such corporation that unless they withdraw from and sever all business connection with said trust, combination or association, their charter will be revoked at the expiration of thirty days from date of such notice.

SEC. 8. It shall be the duty of the prosecuting attorneys in their respective jurisdictions, and the attorney-general, to enforce the forego-

ing provisions of this act, and any prosecuting attorney, or the attorney-general, securing a conviction under the provisions of this act, shall be entitled, in addition to such fee or salary as by law he is allowed for such prosecution, to one-fifth of the fine recovered. When the attorney-general and prosecuting attorney act in conjunction in the prosecution of any case, under the provisions of this act, they shall be entitled to one-fourth of the fine recovered, which they shall divide equally between them where there is no agreement to the contrary.

SEC. 9. Whereas, great injustice is being done to the people of this state by the formation of trusts and trust companies, therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.

Approved May 18, 1889.

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CRIMES AND CRIMINAL PROCEDURE: FICTITIOUS AND GAMBLING TRANSACTIONS IN GRAIN.

AN ACT to prohibit fictitious and gambling transactions in agricultural products, other commodities and stocks and bonds.

SECTION	SECTION
1. Pretended purchases, defined and prohibited—penalty.	6. Gambling contracts defined.
2. Offer to buy or sell prohibited—penalty.	7. Judges shall instruct grand jury.
3. To keep office or place of business prohibited—penalty.	8. Prosecuting attorneys to enforce this law—fees.
4. Commission merchants, etc., to make statement—failure to do so.	9. Officers and employes competent witnesses.
5. Permitting "gambling acts" on property—penalty.	10. Conflicting acts repealed.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. All purchases and sales or pretended purchases and sales, or contracts and agreements for the purchase and sale, of the shares of stocks or bonds of any corporation, or petroleum, provisions, cotton, grain or agricultural products whatever, either on margin or otherwise, without any intention of receiving and paying for the property so bought, or of delivering the property so sold, and all the buying or selling or pretended buying or selling of such property on margins or on optional delivery, when the party selling the same, or offering to sell the same, does not intend to have the full amount of the property on hand or under his control to deliver upon such sale, or when the party buying any of such property or offering to buy the same does not intend actually to receive the full amount of the same if purchased, are hereby declared to be gambling and unlawful, and the same is hereby prohibited. Any company, copartnership or corporation, or member, officer or agent thereof, or any person found guilty of a violation of the provisions of this section, shall be fined in a sum not less than three hundred dollars nor more than three thousand dollars.