

# SENATE . . . . No. 13.

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SENATE, Jan. 25, 1897.

[Introduced on leave by Senator GALLIVAN of Suffolk. Read and referred to joint committee on Judiciary.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Ninety-seven.

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### AN ACT

#### Relative to Trusts or Unlawful Business Combinations.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. That, from and after the passage  
2 of this act, all arrangements, contracts, agree-  
3 ments, trusts or combinations between persons or  
4 corporations made with a view to lessen, or which  
5 tend to lessen, full and free competition in the  
6 importation or sale of articles imported into this  
7 state, or in the manufacture or sale of articles of  
8 domestic growth or of domestic raw material, and  
9 all arrangements, contracts, agreements, trusts or  
0 combinations between persons or corporations,

11 designed or which tend to advance, reduce or  
12 control the price or the cost to the producer or  
13 to the consumer of any such product or article,  
14 are hereby declared to be against public policy,  
15 unlawful and void.

1     SECT. 2. Any corporation, chartered under  
2 the laws of this state, which shall violate any of  
3 the provisions of this act shall thereby forfeit its  
4 charter and its franchise, and its corporate ex-  
5 istence shall thereupon cease. Every foreign  
6 corporation, which shall violate any of the pro-  
7 visions of this act, is hereby denied the right to  
8 do, and is prohibited from doing business in this  
9 state. It is hereby made the duty of the attorney-  
10 general of the Commonwealth to inforce this pro-  
11 vision by due process of law.

1     SECT. 3. Any violation of the provisions of  
2 this act shall be deemed, and is hereby declared  
3 to be, destructive of full and free competition and  
4 a conspiracy against trade, and any person or  
5 persons who may engage in such conspiracy, or  
6 who shall, as principal, manager, director or agent,  
7 or in any other capacity, knowingly carry out  
8 any of the stipulations, purposes, prices, rates or  
9 orders made in furtherance of such conspiracy,  
10 shall, on conviction, be punished by a fine of not  
11 less than one hundred dollars or more than five  
12 thousand dollars, and by imprisonment in state  
13 prison for not less than one year or more than ten  
14 years; or, in the judgment of the court, by either  
15 such fine or such imprisonment.

1   SECT. 4. Any person or persons, or corpora-  
2 tions that may be injured or damaged by any  
3 such arrangement, contract, agreement, trust  
4 or combination, described in section one of this  
5 act, may sue for and recover, in any court of com-  
6 petent jurisdiction in this state, of any person,  
7 persons or corporations operating such trust or  
8 combination, the full consideration or sum paid by  
9 him or them for any goods, wares, merchandise or  
10 articles, the sale of which is controlled by such  
11 combination or trust.

1   SECT. 5. The provisions of this act shall not  
2 apply to agricultural products or live stock while  
3 in the possession of the producer or raiser.

1   SECT. 6. All laws or parts of laws inconsistent  
2 with the provisions of this act are hereby re-  
3 pealed.

1   SECT. 7. This act shall take effect upon its  
2 passage.

