

purpose of making a snow fence, nor to any trees planted upon land held and acquired under the timber culture laws of the United States.

§ 4. EXAMINATION AND REPORT OF ASSESSOR.] It is hereby made the duty of the assessor of every town or county at the time of making his assessment to ascertain whether or not trees have been planted by any land owners in his town or county and for which compensation is claimed under this act and in case trees have been planted and such compensation is claimed the assessor shall personally examine the grove or line of trees and make report to the extent and conditions thereof according to the prescribed form, the same to be returned to the county auditor with the other returns and assessment book.

Approved February 28, 1905.

---

## TRUSTS.

---

### CHAPTER 188.

[H. B. No. 178—Sheils.]

---

#### ANTI-TRUST LAW.

AN ACT Defining Trusts and Conspiracy Against Trade, Declaring Contracts in Violation of the Provisions of This Act Void, and Making Certain Acts in Violation Thereof Misdemeanors, and Prescribing the Punishment Therefor and Matters Connected Therewith.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. DEFINING TRUSTS.] That a trust is a combination of capital, skill or acts by two or more persons, firms, corporations, or associations of persons, or two or more of them for either, any or all of the following purposes: 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 fix at any standard or figure, whereby its price to the public shall be in any manner controlled or established, upon any article or commodity of merchandise, produce or manufacture intended for sale, use or consumption in this state; or to establish any pretended agency whereby the sale of any such article or commodity shall be covered up or made to appear to be for the original vendor, for a like purpose or purposes, and to enable such original vendor or manufacturer to control the wholesale or retail price of any article or commodity after the title to such article or commodity shall have passed from such vendor or manufacturer. Fourth. To make or enter into, or examine or carry out any contract, obligation or agree-

ment of any kind or description by which they shall bind or have bound themselves not to sell, dispose of, or transport any article or commodity, or article of trade, use, merchandise, commerce or consumption below a common standard figure, or card price list, or by which they shall agree in any manner to keep the price of 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 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 article or commodity that its price might in any manner be affected.

§ 2. CORPORATIONS VIOLATING THIS ACT SHALL CEASE TO EXIST.] That any corporation incorporated under the laws of this state or authorized to do business therein which shall violate any of the provisions of this act, shall thereby forfeit its articles of incorporation and franchise and its corporate existence shall cease and determine.

§ 3. DUTY OF ATTORNEY GENERAL UPON VIOLATION.] 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 upon his own motion or upon the sworn complaint of any person aggrieved to institute a suit or quo warranto proceedings in any county in this state in which such corporate existence does business or may have an office, for the forfeiture of its charter, rights, franchise, and a dissolution of its corporate existence.

§ 4. FOREIGN CORPORATIONS VIOLATING PROVISIONS OF ACT PROHIBITED FROM DOING BUSINESS.] Every foreign corporation authorized to do business in the state of North Dakota, violating any of the provisions of this act, is hereby denied the right and prohibited from doing any business within this state and the authority granted by the filing of its articles of incorporation in this state authorizing it to do business therein, shall cease and become void, and it shall be the duty of the attorney general to enforce this provision by injunction or other proper proceedings instituted in the county of Burleigh or in any county in which such foreign corporation does business, in the name of the state on his relation.

§ 5. SECRETARY OF STATE TO REQUIRE AFFIDAVIT AS TO VIOLATION.] It shall be the duty of the secretary of state on or before the first day of September of each year to address to the president, secretary or treasurer of each corporate company doing business in this state and the person designated by the articles of incorporation filed with the secretary of state by foreign corporations, as the person on whom service of process may be had, whose post office address is known or may be ascertained, a letter of inquiry as to whether the

said corporation has all or any part of its business or interests in or with any trust, company, association of persons, or stockholders as named in section 1 of this act, and to require answer under oath of the president, secretary or treasurer or any director of said company or any agent of any foreign corporation authorized to do business in this state, a form of affidavit which shall be inclosed in said letter of inquiry as follows:

STATE OF NORTH DAKOTA, }  
COUNTY OF..... } ss.

I, ....., do solemnly swear that I am the ..... (president, secretary, treasurer, or director, or agent), of the corporation known and styled as ..... duly incorporated under the laws of ..... (name of state) on the ..... day of ..... 19...., and now transacting or conducting business in the state of North Dakota, and that I am duly authorized to represent said corporation in the making of this affidavit; and I do further solemnly swear that the said ....., known and styled as aforesaid, has not, since the ..... day of ..... (naming the day on which this act takes effect) created, entered into or become a member 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; and that it has not entered into or become a member of or a party to any pool, trust, 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; and that it has not issued and does not own any trust certificates, and for any corporation, agent, officer or employe, or for the directors or stockholders of any corporation, has not entered into and is not now in 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 said combination, contract or agreement would 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 sales of any article of commerce, use or consumption, or to prevent, restrict or diminish the manufacture or output of any such article.

.....  
(President, Secretary, Treasurer or Director.)

Subscribed and sworn to before me, a ..... within  
and for the county of ..... this ..... day of .....,  
19....

(Seal) .....

And on refusal to make such oath in answer to said inquiry or failure to do so within thirty days from the mailing thereof, the

secretary of state shall certify that fact to the attorney general, whose duty it shall be at the earliest possible moment, in the name of the people of the state of North Dakota, at the relation of the attorney general, to proceed against such corporation for the recovery of a penalty of fifty dollars for each day after such refusal to make oath or failure to make said oath within thirty days from the mailing of said notice, or the attorney general upon such failure or refusal may have proper proceedings instituted within any county in the state of North Dakota forfeiting such articles of incorporation or authority to do business within the state of North Dakota and revoke the right of foreign corporations located herein to do business in this state.

§ 6. VIOLATION DECLARED A MISDEMEANOR. PUNISHMENT FOR.] Any violation of either or all of the provisions of this act shall be and is hereby declared to be a conspiracy against trade and a misdemeanor, and any person who may be or may become engaged in any such conspiracy or taking part therein, or aid or advise in its commission or who shall as principal, manager, director, agent, servant or employe, or in any other capacity knowingly carry out any of the stipulations, purposes, prices, rates, orders thereunder or in pursuance thereof shall be punished by a fine not less than two thousand dollars.

§ 7. WHAT NECESSARY IN INFORMATION.] In any information or indictment for any offense named in this act it is sufficient to state the purposes of the trust or combination and that the accused was a member of, acted with or in pursuance of it, without giving its name or description, or how or where it was created.

§ 8. WHAT NECESSARY TO PROVE IN PROSECUTION.] In prosecutions under this act it shall be sufficient to prove that a trust or combination 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 articles of agreement or any written instrument on which it may have been based, or that it was evidenced by any written instrument at all.

§ 9. CONTRACTS IN VIOLATION VOID.] That any contract or agreement in violation of the provisions of this act shall be absolutely void and not enforceable either in law or in equity.

§ 10. WHAT EXEMPT.] The provisions of this act shall not apply to agricultural products or live stock while in the hands of the producer or raiser.

§ 11. PURCHASERS OF ARTICLES FROM VIOLATORS NOT LIABLE.] Any purchaser of any article or commodity, from any person, firm, corporation or association of persons, or of two or more of them, 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.

§ 12. HOW FINES RECOVERED.] The fines herein provided for

may be recovered in an action of debt in the name of the people of the state of North Dakota, and a preponderance of evidence in favor of the state shall be sufficient to authorize a verdict and judgment for the state.

§ 13. WHO DEEMED GUILTY OF VIOLATION.] All agreements between corporations, associations, or individuals seeking to control or regulate the price of any article of merchandise or any material to be used for constructive purposes, and all combinations between persons, firms, or corporations bidding for the doing of work of any kind or description to be let by the state, any firm, co-partnership, corporation or individual within this state seeking to control or regulate the price at which said work shall be taken or the bids to be made therefor by different firms, co-partnerships, corporations or individuals, shall be considered as a violation of section 1 of this act and punished accordingly, and it shall be the duty of the attorney general to enforce the provisions of this section in the same manner as that hereinbefore provided for enforcing the provisions of this act.

Approved March 13, 1905.

## UNLAWFUL OBLIGATIONS.

### CHAPTER 189.

[S. B. No. 50—Stade.]

### PATENT RIGHT NOTES.

AN ACT to Amend Chapter 206 of the Session Laws of 1901, Amending Section 7671 of the Revised Codes of 1899, Relating to Unlawful Obligations.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of the state of North Dakota, be amended to read as follows:

§ 7671. OBLIGATION IN WRITING. SIGNED ACROSS FACE.] Every person who takes any obligation in writing for any lightning rod, or any of its attachments, or for any patent right or claimed to be a patent right, or for which any stallion or jackass shall form the whole or any part of the consideration, or for any patent medicine, or for which the whole or any part of the consideration shall be the future cure of any disease or ailment, shall, before it is signed by the maker stamp or write in red ink across the face of such written obligation in plain, legible writing, or print, the words "given for