

**Fifty-first Congress of the United States of America, At the First Session,**

Begun and held at the City of Washington on Monday, the second day of December, one thousand eight hundred and eighty-nine.

**An act to protect trade and commerce against unlawful restraints and monopolies.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**Sec. 1.** Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, at the discretion of the court.

**Sec. 2.** Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof; shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

**Sec. 3.** Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign

nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

**Sec. 4.** The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

**Sec. 5.** Whenever it shall appear to the court before which any proceeding under section four of this act may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof.

**Sec. 6.** Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section one of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law

**Sec. 7.** Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover three fold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

**Sec. 8.** That the word "person," or " persons," wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

**Quincuagésimo primer Congreso de los Estados Unidos de América, En la Primera Sesión,**

Iniciado y celebrado en la Ciudad de Washington el lunes dos de diciembre de mil ochocientos ochenta y nueve.

**Una ley para proteger el comercio y el comercio contra restricciones y monopolios ilegales.**

*Sea promulgado por el Senado y la Cámara de Representantes de los Estados Unidos de América en Congreso reunidos,*

**Art. 1.** Se declara ilegal todo contrato, combinación en forma de fideicomiso o de otra manera, o conspiración para restringir el comercio entre los diversos Estados o con naciones extranjeras. Toda persona que celebre dicho contrato o participe en dicha combinación o conspiración será considerada culpable de un delito menor y, si es condenada por ello, será castigada con una multa que no exceda de cinco mil dólares o con una pena de prisión que no exceda de un año por ambas penas, a criterio del tribunal.

**Art. 2.** Toda persona que monopolice, o intente monopolizar, o se combine o conspire con cualquier otra persona o personas, para monopolizar cualquier parte del comercio entre los distintos Estados, o con naciones extranjeras, será considerada culpable de un delito menor, y, por convicción del mismo; será castigado con multa que no exceda de cinco mil dólares, o con prisión que no exceda de un año, o con ambas penas, a discreción del tribunal.

**Art. 3.** Todo contrato, combinación en forma de fideicomiso o de otra manera, o conspiración, para restringir el comercio o el comercio en cualquier Territorio de los Estados Unidos o del Distrito de Columbia, o para restringir el comercio entre dicho Territorio y otro, o entre dicho Territorio o Territorios y cualquier Estado o Estados o el Distrito de Columbia, o con naciones extranjeras, o entre el Distrito de Columbia y

cualquier Estado o Estados o naciones extranjeras, por la presente se declara ilegal. Toda persona que celebre dicho contrato o participe en dicha combinación o conspiración será considerada culpable de un delito menor y, si es condenada por ello, será castigada con una multa que no exceda de cinco mil dólares o con una pena de prisión que no exceda de un año por ambas penas, a criterio del tribunal.

**Art. 4.** Por la presente se inviste a los diversos tribunales de circuito de los Estados Unidos con jurisdicción para prevenir y restringir las violaciones de esta ley; y será deber de los distintos fiscales de distrito de los Estados Unidos, en sus respectivos distritos, bajo la dirección del Procurador General, iniciar procedimientos en equidad para prevenir y restringir tales violaciones. Dichos procedimientos pueden realizarse mediante una petición en la que se exponga el caso y se solicite que se prohíba o prohíba de otro modo dicha violación. Cuando las partes demandadas hayan sido debidamente notificadas de tal petición, el tribunal procederá, tan pronto como sea posible, a la vista y determinación del caso; y pendiente de dicha petición y antes del decreto final, el tribunal podrá en cualquier momento dictar la orden de restricción o prohibición temporal que se considere justa en las instalaciones.

**Art. 5.** Siempre que al tribunal ante el cual pueda estar pendiente cualquier procedimiento conforme a la sección cuatro de esta ley, le parezca que los fines de la justicia requieren que otras partes comparezcan ante el tribunal, el tribunal podrá ordenar que sean citadas, ya sea que residan o no en el distrito en que se celebra el tribunal; y las citaciones con ese fin podrán ser entregadas en cualquier distrito por el alguacil del mismo.

**Art. 6.** Cualquier propiedad poseída bajo cualquier contrato o por cualquier combinación, o conforme a cualquier conspiración (y siendo objeto de la misma) mencionada en la sección uno de esta ley, y que esté en curso de transporte de un Estado a otro, o a un país extranjero, será confiscada a los Estados Unidos, y podrá ser embargada y condenada

mediante procedimientos similares a los previstos por la ley para el decomiso, embargo y expropiación de bienes importados a los Estados Unidos en contra de la ley.

**Art. 7.** Cualquier persona que resulte perjudicada en su negocio o propiedad por cualquier otra persona o corporación a causa de algo prohibido o declarado ilegal por esta ley, podrá demandar por ello en cualquier tribunal de circuito de los Estados Unidos en el distrito en el que se encuentra el demandado reside o se encuentra, sin respecto a la cantidad en controversia, y deberá recuperar el triple de los daños sufridos y las costas del proceso, incluidos los honorarios razonables de un abogado.

**Art. 8.** Que se considerará que la palabra "persona" o "personas", dondequiera que se utilice en esta ley, incluye corporaciones y asociaciones existentes o autorizadas por las leyes de los Estados Unidos, las leyes de cualquiera de los Territorios, las leyes de cualquier Estado, o las leyes de cualquier país extranjero.

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Public No 1907 (157)  
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AN ACT

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Thomas B Reed  
Speaker of the House of Representatives.

Levi P. Morton  
Vice-President of the United States and  
President of the Senate.

Approved July 2<sup>d</sup> 1890

Wm. Harrison