

CHAPTER 335

AN ACT to repeal 226.07 and 226.09; to amend 100.24, 133.20, 133.21 (1), 133.23 and 133.24; and to create 100.24 (5) of the statutes, relating to revocation of corporate charters or certificates of authority for violation of the anti-trust laws, price-discrimination laws and department of agriculture trade practice order, and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 100.24 of the statutes is amended to read :

100.24 (1) Any corporation organized under the laws of this state which * * * *violates* any order issued under s. 100.20, or which is found guilty of unfair discrimination under s. 100.22, * * * *may* forfeit all the rights and privileges conferred by the laws of this state upon corporations and * * * *may* forfeit its charter.

(2) Upon complaint being made to the attorney general and evidence presented to him which * * * *satisfies* him that any domestic corporation has violated any order issued under s. 100.20, or has violated any of the provisions of s. 100.22, he * * * *may* forthwith bring an action in the name of the state to have the charter of such corporation annulled.

(3) Any foreign corporation which * * * *violates* any order issued under s. 100.20, or which is found guilty of unfair discrimination under s. 100.22, * * * *may* upon proof thereof, in any court of competent jurisdiction, have its license or authority to do business in this state canceled.

(4) Upon complaint being made to the attorney general and evidence presented to him which * * * *satisfies* him that any foreign corporation has violated any order issued under s. 100.20, or has violated any of the provisions of s. 100.22, he * * * *may* forthwith bring an action in the name of the state to have the license or authority of such corporation to do business in this state canceled, and to oust such corporation from all business of every kind and character in this state.

SECTION 2. 100.24 (5) of the statutes is created to read :

100.24 (5) In any action to forfeit, cancel, revoke or annul the charter of any corporation organized under the laws of this state, or the license or authority to do business in this state of any foreign corporation, or to enjoin any such corporation from doing business in this state, because of violation of any order issued under s. 100.20, or of any of the provisions of s. 100.22, judgment for such forfeiture, cancellation, revocation, annulment or injunction may, upon such terms as the court deems just and in the public interest, be rendered by the court, but only upon proof of a substantial and wilful violation of such order or statutory provision.

SECTION 3. 133.20 and 133.21 (1) of the statutes are amended to read :

133.20 If complaint * * * *is* made to the attorney general that any corporation is guilty of unfair discrimination, as defined by * * * ss. 133.17 to 133.185, he shall investigate such complaint and for that purpose he may subpoena witnesses, administer oaths, take testimony and require the production of books or other documents, and, if in his opinion sufficient grounds exist therefor, he may prosecute an action in the name of the state in the proper court to annul the charter or revoke the permit of such corporation, as the case may be, and to permanently enjoin such corpora-

tion from doing business in this state, and if in such action the court * * * finds that such corporation is guilty of unfair discrimination, as defined by * * * ss. 133.17 to 133.185, such court * * * may annul the charter or revoke the permit of such corporation, and may permanently enjoin it from transacting business in this state, upon such terms as the court deems just and in the public interest, but only upon proof of a substantial and wilful violation of such statutory provision.

133.21 DOMESTIC AND FOREIGN CORPORATIONS; CANCELLATION OF CHARTERS OR CERTIFICATES OF AUTHORITY FOR RESTRAINING TRADE; AFFIDAVIT. (1) Any corporation organized under the laws of this state or foreign corporation authorized to transact business in this state pursuant to a certificate of authority from the secretary of state which shall enter into any combination, conspiracy, trust, pool, agreement or contract intended to restrain or prevent competition in the supply or price of any article or commodity in general use in this state, or constituting a subject of trade or commerce therein, or which shall in any manner control the price of any such article or commodity, fix the price thereof, limit or fix the amount or quantity thereof to be manufactured, mined, produced or sold in this state, or fix any standard or figure by which its price to the public shall be in any manner controlled or established, shall, upon proof thereof, in any court of competent jurisdiction, have its charter or authority to * * * transact business in this state canceled and annulled. Every corporation shall, in its annual report filed with the secretary of state, show the facts in regard to the matters specified in this section. As used in this section, the words "article or commodity in general use in this state" * * * includes newspapers, magazines, periodicals, and advertising, including radio advertising.

SECTION 4. 133.23 and 133.24 of the statutes are amended to read:

133.23 Upon complaint being made to the attorney general and evidence produced to him which * * * satisfies him that any such corporation has violated any of the conditions specified in ss. 133.21 and 133.22, he shall forthwith bring an action in the name of the state in any circuit court of this state to have the charter, or certificate of authority to transact business in this state, of such corporation forfeited, canceled and annulled, and upon due proof being made thereof to the satisfaction of the court, judgment shall be entered therefor. All contracts or agreements made by any person * * * while a member of any combination, conspiracy, trust or pool prohibited by ss. 133.01, 133.21 and 226.07 * * *, or any of them, and which contract or agreement is founded upon, or is the result of, or grows out of, or is connected with, any violation of said sections, or any of them, either directly or indirectly, shall be void and no recovery thereon or benefit therefrom shall be had by or for any such person * * *. Any payments made upon, under or pursuant to such contract or agreement to or for the benefit of such person * * *, may be recovered in an action by the party making any such payment, his heirs, personal representatives or assigns; provided * * * that suit for such recovery shall be brought within 6 years after the making of said contract or agreement.

133.24 No person shall be excused from answering any of the inquiries herein provided for, nor from attending and testifying, nor from producing any books, papers, contracts, agreements or documents in obedience to a subpoena issued by any lawful authority in any case or proceeding based upon or growing out of any alleged violation of any of the provisions of s. 133.21, or of any law of this state in regard to trusts, monopolies or illegal combinations on the ground of or for the reason that the answer, testimony, evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture; but

no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may answer, testify or produce evidence, documentary or otherwise, in obedience to any request under these provisions or any subpoena, or either of them, in any case or proceeding, except that the charter of any corporation may be vacated and its corporate existence annulled *or its certificate of authority to transact business in this state may be canceled and annulled* as hereinbefore provided, and except * * * that no person testifying in any case or proceeding aforesaid shall be exempt from punishment for perjury committed in so testifying.

SECTION 5. 226.07 and 226.09 of the statutes are repealed.

SECTION 6. The references to "section 226.07" in sections 133.08 and 133.23 are deleted. The revisor of statutes shall show the changes in printing the statutes.

Approved July 28, 1961.
