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IN THE SENATE OF THE UNITED STATES.

MARCH 26, 1890.

Ordered to be reprinted as amended in Committee of the Whole, viz: Omit the parts struck through and insert the parts printed in italics.

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A BILL

To declare unlawful trusts and combinations in restraint of trade and production.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That all arrangements, contracts, agreements, trusts, or com-  
4 binations between two or more ~~citizens~~ *persons* or corporations,  
5 or both, made with a view or which tend to prevent full and  
6 free competition in the importation, transportation, or sale of  
7 articles imported into the United States; or with a view or  
8 which tend to prevent full and free competition in articles of  
9 growth, production, or manufacture of any State or Territory  
10 of the United States with similar articles of the growth, pro-  
11 duction, or manufacture of any other State or Territory, or in  
12 the transportation or sale of like articles, the production of  
13 any State or Territory of the United States, into or within any  
14 other State or Territory of the United States; and all arrange-  
15 ments, trusts, or combinations between such *persons* or cor-  
16 porations made with a view or which tend to advance the  
17 cost to the consumer of any such articles *or of the value*  
18 *of money by which such cost may be advanced or reduced* are  
19 hereby declared to be against public policy, unlawful, and  
20 void. And the circuit court of the United States shall have  
21 original jurisdiction of all suits of a civil nature at common law  
22 or in equity arising under this section, and to issue all remedial  
23 process, orders, or writs proper and necessary to enforce its  
24 provisions. And the Attorney-General and the several dis-  
25 trict attorneys are hereby directed, in the name of the United  
26 States, to commence and prosecute all such cases to final judg-

27 ment and execution. *And whenever in any action commenced*  
28 *under the provisions of this act in the name of the United*  
29 *States any arrangement, trust, or combination herein declared*  
30 *void is found by any such court to exist, the court may, in*  
31 *addition to other remedies, issue its writ of injunction, tem-*  
32 *porary or final, running and to be served anywhere within*  
33 *the United States, prohibiting and restraining the defendants,*  
34 *or any thereof, or their or any of their servants, agents, or*  
35 *attorneys, from proceeding further in the business of said*  
36 *arrangement, trust, or combination, except to wind up its*  
37 *affairs; and in case of any disobedience of any such writ of*  
38 *injunction, or other proper process, mandatory or otherwise,*  
39 *issued in any such cause, it shall be lawful for said court to*  
40 *issue writs of attachment, running and to be served any-*  
41 *where within the United States, against the defendants, or*  
42 *any thereof, and against their or any of their agents, attor-*  
43 *neys, or servants, of whatever name or office, disobeying said*  
44 *injunction or other process; and the court may, if it*  
45 *shall think fit, in addition to other lawful punishment for*  
46 *contempt, make an order directing any such defendants dis-*  
47 *obeying such writ of injunction, or other process, to*  
48 *pay such sum of money, not exceeding one thousand dollars,*  
49 *for every day after a date to be named in such order that*  
50 *such defendant or defendants, or their or any of their agents,*  
51 *attorneys, or servants, as aforesaid, shall refuse or neglect to*  
52 *obey such injunction or other process; and such money shall*  
53 *be paid into court, and may be paid in whole or in part to*  
54 *the party or parties upon whose complaint said action was*  
55 *instituted, or into the Treasury of the United States, as the*  
56 *court shall direct, and in any action brought by the United*  
57 *States under the provisions of this act the Attorney-General*  
58 *may bring the action in any district in which any one of the*  
59 *parties defendant resides or transacts business, and any other*  
60 *parties, corporate or otherwise, may, regardless of residence*  
61 *or location of business, be brought into court in said action*  
62 *in the manner provided by section seven hundred and*  
63 *thirty-eight of the Revised Statutes, and the court shall there-*  
64 *upon have jurisdiction of the defendant or defendants so*  
65 *brought in, as fully to all intents and purposes as if they had*  
66 *appeared in said action. Provided, That this act shall not be*  
67 *construed to apply to any arrangements, agreements, or*  
68 *combinations between laborers made with a view of lessening*  
69 *the number of hours of their labor or of increasing their*  
70 *wages; nor to any arrangements, agreements, associations,*  
71 *or combinations among persons engaged in horticulture or*  
72 *agriculture made with the view of enhancing the price of their*

own agricultural or horticultural products: *Provided further, That this act shall not be construed to apply to or to declare unlawful combinations or associations made with a view or which tend, by means other than by a reduction of the wages of labor, to lessen the cost of production or reduce the price of any of the necessities of life; nor to combinations or associations made with a view or which tend to increase the earnings of persons engaged in any useful employment; nor to any arrangements, agreements, associations, or combinations among persons for the enforcement and execution of the laws of any State enacted in pursuance of its police powers; nor shall this act be held to control or abridge such powers of the States.*

SEC. 2. [No change.]

SEC. 3. [Changed merely by the substitution of the word "engaged" for the word "employed."]

SEC. 4. [No change.]

SEC. 5. [No change.]

SEC. 6. [Changed merely by the substitution of the word "eight" for the word "three" in the last line.]

SEC. 7. That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party agrees to sell and deliver at a future time to another any of the articles mentioned in section eight of this act when at the time of making such contract or agreement the party so agreeing to make such delivery, or the party for whom he acts as agent, broker, or employé in making such contract or agreement, is not at the time of making the same the owner, or producer, or the lawful agent of such owner or producer of the article so contracted and agreed to be delivered: *Provided, That this act shall not apply to contracts for the delivery at any one time of articles of not more than fifty dollars in value, or of articles to be consumed by the person to whom they are delivered, or in his establishment.*

*Nor to bona fide contracts for the actual delivery of the property contracted for.*

SEC. 8. That the articles to which the foregoing sections relate are wheat, corn, oats, rye, barley, cotton, and all other farm products; also beef, pork, lard, and all other hog and cattle products, and also stocks and bonds;

*Also cotton prints, steel rails, lead, salt, boots and shoes, and lumber;*

*Also woolen goods, whiskey, and all manner of intoxicating drinks.*

SEC. 9. [Special taxes increased from one thousand to ten thousand dollars. Other changes are merely in regard to the sectional numbers.]

SEC. 10. [No change.]

SEC. 11. [No change.]

SEC. 12. [No change.]

SEC. 13. [One change only and that with regard to sectional numbers.]

SEC. 14. [One change only and that with regard to sectional numbers.]

SEC. 15. [No change.]

SEC. 16. [No change.]

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