
IN THE SENATE OF THE UNITED STATES.

DECEMBER 4, 1889.

Mr. SHERMAN introduced the following bill; which was read twice and referred to the Committee on Finance.

MARCH 18, 1890.

Amendment reported by Mr. SHERMAN, from the Committee on Finance; which amendment was adopted by the Senate as the text of the bill.

Referred to the Committee on the Judiciary.

APRIL 2, 1890.

Reported by Mr. EDMUNDS with an amendment, viz: Strike out all after the enacting clause and insert the part printed in italics.

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 or corporations, or~~
5 ~~both, of different States, or between two or more citizens or~~
6 ~~corporations, or both, of the United States and foreign states,~~
7 ~~or citizens or corporations thereof, made with a view or which~~
8 ~~tend to prevent full and free competition in the importation,~~
9 ~~transportation, or sale of articles imported into the United~~
10 ~~States, or with a view or which tend to prevent full and~~
11 ~~free competition in articles of growth, production, or manu-~~
12 ~~facture of any State or Territory of the United States, with~~
13 ~~similar articles of the growth, production, or manufacture of~~
14 ~~any other State or Territory, or in the transportation or sale~~
15 ~~of like articles, the production of any State or Territory of~~
16 ~~the United States into or within any other State or Territory~~
17 ~~of the United States; and all arrangements, trusts, or combina-~~
18 ~~tions between such citizens or corporations, made with~~
19 ~~a view or which tend to advance the cost to the consumer~~
20 ~~of any such articles, are hereby declared to be against public~~
21 ~~policy, unlawful, and void. And the circuit court of the~~
22 ~~United States shall have original jurisdiction of all suits of a~~
23 ~~civil nature at common law or in equity arising under this~~

24 ~~section, and to issue all remedial process, orders, or writs~~
25 ~~proper and necessary to enforce its provisions. And the~~
26 ~~Attorney General and the several district attorneys are hereby~~
27 ~~directed, in the name of the United States, to commence~~
28 ~~and prosecute all such cases to final judgment and execution.~~

1 ~~SEC. 2. That any person or corporation injured or~~
2 ~~damnified by such arrangement, contract, agreement, trust,~~
3 ~~or combination defined in the first section of this Act may~~
4 ~~sue for and recover, in any court of the United States of~~
5 ~~competent jurisdiction, without respect to the amount involved,~~
6 ~~of any person or corporation a party to a combination de-~~
7 ~~scribed in the first section of this Act, twice the amount of~~
8 ~~damages sustained and the cost of the suit, together with a~~
9 ~~reasonable attorney's fee.~~

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

1 *SEC. 2. Every person who shall monopolize, or at-*
2 *tempt to monopolize, or combine or conspire with any other*
3 *person or persons to monopolize, any part of the trade or*
4 *commerce among the several States, or with foreign nations,*
5 *shall be deemed guilty of a misdemeanor, and, on conviction*
6 *thereof, shall be punished by fine not exceeding five*
7 *thousand dollars or by imprisonment not exceeding one year, or*
8 *by both said punishments, in the discretion of the court.*

1 *SEC. 3. Every contract, combination in form of trust*
2 *or otherwise, or conspiracy, in restraint of trade or com-*
3 *merce in any Territory of the United States or of the District*
4 *of Columbia, or in restraint of trade or commerce between*
5 *any such Territory and another, or between any such Terri-*
6 *tory or Territories and any State or States or the District of*
7 *Columbia, or with foreign nations, or between the District of*
8 *Columbia and any State or States or foreign nations, is here-*
9 *by declared illegal. Every person who shall make any such*
10 *contract or engage in any such combination or conspiracy*
11 *shall be deemed guilty of a misdemeanor, and on con-*
12 *viction thereof, shall be punished by fine not exceeding*
13 *five thousand dollars, or by imprisonment not exceeding one*

14 year, or by both said punishments, in the discretion of the
15 court.

1 *SEC. 4. The several circuit courts of the United States*
2 *are hereby invested with jurisdiction to prevent and*
3 *restrain violations of this Act; and it shall be the duty*
4 *of the several district attorneys of the United States, in*
5 *their respective districts, under the direction of the Attor-*
6 *ney-General, to institute proceedings in equity to prevent*
7 *and restrain such violations. Such proceedings may be by*
8 *way of petition setting forth the case and praying that*
9 *such violation shall be enjoined or otherwise prohibited.*
10 *When the parties complained of shall have been duly*
11 *notified of such petition the court shall proceed, as soon as*
12 *may be, to the hearing and determination of the case; and*
13 *pending such petition and before final decree, the court may*
14 *at any time make such temporary restraining order or pro-*
15 *hibition as shall be deemed just in the premises.*

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

1 *SEC. 6. Any property owned under any contract or by*
2 *any combination or pursuant to any conspiracy (and being*
3 *the subject thereof) mentioned in section one of this Act, and*
4 *being in the course of transportation from one State to another*
5 *or to a foreign country, shall be forfeited to the United States,*
6 *and may be seized and condemned by like proceedings as*
7 *those provided by law for the forfeiture, seizure, and con-*
8 *demnation of property imported into the United States con-*
9 *trary to law.*

1 *SEC. 7. Any person who shall be injured in his business*
2 *or property by any other person or corporation by reason of*
3 *anything forbidden or declared to be unlawful by this Act,*
4 *may sue therefor in any circuit court of the United States in*
5 *the district in which the defendant resides or is found, with-*
6 *out respect to the amount in controversy, and shall recover*
7 *threefold the damages by him sustained, and the cost of suit,*
8 *including a reasonable attorney's fee.*

1 *SEC. 8. That the word "person" or "persons" wher-*
2 *ever used in this Act shall be deemed to include corporations*
3 *and associations existing under or authorized by the laws of*

4 *either the United States, the laws of any of the Territories,*
5 *the laws of any State, or the laws of any foreign country.*

6 Amend the title so as to read: "A bill to protect trade
7 and commerce against unlawful restraints and monopolies."

[There were four intended amendments to S. 1 printed, none of which were introduced.]