"THE CONGRESSIONAL HISTORY OF THE SHERMAN ANTI-TRUST ACT OF 1890"

Thesis for the Degree of M. A.

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I

After the Civil War a vast economic change began to take place in the industrial organization of the United States.[1] A transfer of production from small individually owned or partnership establishments to vast corporations. Unfortunately this evolutionary movement caused considerable injury to the small producers, who were crowded out of the industrial field.[2] Also competition was lessened to a great extent, thereby removing the means by which a fair level of prices was maintained.[3] Again this concentration progressed at such a rapid rate that people began to fear their power, which they derived from the control of such large financial resources. The people felt that they should have some regulatory power over them. As a consequence, friction grew up between these two forces.[4]

The causes for this change were many and varied. The Civil War was the most direct cause, in that it proved to be such a great undertaking that it called for unusual executive ability and accustomed men to think of vast enterprises as a normal procedure. The

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1. E. Jones, "The Trust Problem", p. 6.
2. R. E. Curtis, "The Trusts and Economic Control", p. 3.
3. L. M. Hacker and B. B. Kendrick, "The United States Since 1865", p. 278.
4. R. E. Curtis, Ibid., p. 13.

very task of supplying the demands of the enormous armies operating in the field necessitated the acceleration of production. This led to large scale production with its accompanying concentration of capital.[5]

The national wealth of the United States grew from $7,000,000 in 1850 to $187,000,000 in 1912. Such resources of capital permitted the formation of large enterprises, which in turn were furnished with greater and greater markets due to increased population[6] and quickly expanding transportation facilities.[7]

The Industrial Revolution, which produced the factory system, was the necessary prelude to the era of concentration for it pointed the way for mass production, which was the only method that would permit a high state of combination.[8]

The depressions following the Civil War, which resulted in falling prices and the keenest of competition among producers, brought all to the realization that something had to be done if the various companies were to survive.[9] The solution was devised and applied . This innovation permitted the use of accumulated amounts of capital needed to organize

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5. C. R. Van Hise, "Concentration and Control" p. 4.
6. J. W. Jenks, "The Trust Problem", p. 12.
7. R. E. Curtis, op. cit., p. 16.
8. Ibid., p. 18.
9. Ibid., p. 15.

large scale producing units or to concentrate numerous smaller ones under a single management for more efficient and profitable production.[10]

A few selected statistics will illustrate the growth of combinations during the years from 1887 to 1900. Although there is much variation from year to year the tendency is ever toward greater numbers. Those noted had a capitalization of one million dollars or more:

Year	Number of Organizations
1887	8
1888	3
1889	12
1890	13
1891	17
1892	10
1893	6
1894	2
1895	6
1896	5
1897	4
1898	20
1899	87
1900	42 [11]

The trust form of organization found its way into many fields. In fact every field to which it was adaptable.. The more important trusts existing during the years from 1887 to 1900 may be listed as follows:

National Cordage Company	1887
American Cotton Oil Company	1889
Diamond Match Company	1889
American Tobacco Company	1890
Distilling and Cattle Feeding Company	1890
American Sugar Refining Company	1891
National Wall Paper Company	1892
United Leather Company	1893

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10. R. E. Curtis, op. cit., p. 16.
11. E. Jones, op. cit., p. 39.

American Malting Company	1897	
Glucose Sugar Refining Company	1897	12
Otis Elevator Company	1898	
Standard Oil Company	1899	
American Steel and Wire Company	1900	
Shelby Steel Company	1900	13

Only some of the more important ones are mentioned here, but they serve to show just how wide spread the trusts were, and the many fields that they invaded.

The large scale business organization was not created in a day, but passed through a series of evolutionary steps which were quite natural in their sequence.

During the Civil War small scale production continued to characterize the output of the manufacturing unit, although tendencies toward large factories with greater producing power had become visible by the eve of the war. With the close of the war large scale production was definitely on the increase and continued without interruption until competition and falling prices began to endanger its very existence. At that time it was realized that the combining of many plants, if under a single directorate, tended to eliminate competition and thus permitted the stabilization of price level to a greater degree. As combinations continued to increase in size they also tended toward monopolistic control in certain fields of production.[14] Eventually various types of combinations were evolved in an effort to achieve a method that was most efficient in realizing the purpose and at the same time re-

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12. E. Jones, op. cit., p. 40.
13. Ibid., p. 42.
14. Ibid., p. 2.

maining within the law.

After the panic of 1873 a system of business agreements, called pools, were developed to lessen competition and increase the profits. They lasted until about 1887, when the Interstate Commerce Act of 1887 forbade such arrangements so far as interstate trade was involved. The pool endeavored to lessen competition and control prices by apportioning among the many companies the available business.[15] Pools took many forms among which were; the gentlemen's agreement, the speculative pool, the central selling agency pool, and the patent pool.[16] While pools at times have been successful in achieving their purposes yet they have shown weaknesses in two respects; (1) they have failed in securing the requisite degree of stability in both prices and policy, besides (2) they have long been opposed to English common law principle, that is they "were negatively illegal", or in other words "non-enforceable in the courts" - in short the pool agreements were not contracts and could not be enforced in a court of law. In 1887 Congress made the pool illegal by statute. In the minds of both the people and Congress such understandings were basically antagonistic to free competition--therefore, pools were positively outlawed by legislative action.

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15. H. U. Faulkner, "American Economic History, p. 582.
16. W. W. Jennings, "A History of Economic Progress in the United States", p. 623.

As a result of the failure of the pool a new type of organization came into existance. It was called a trust and flourished from 1887 to 1892, when the Ohio courts forced the dissolution of the Standard Oil Company.[17] However, it persisted until 1898. It was a system whereby the stockholders of various corporations transferred their stock to a board of trustees and were given trust certificates in exchange. However, ownership of the stock did not change. In this way the trustees gained control of a group of corporations and directed their activities to bring the greatest profits to the stockholders. It worked very well until the courts stepped in.[18]

However, the monopolies were not destroyed as they only looked for a means of functioning within the law as then interpreted. From the very necessity the holding company originated, and was popular from 1897 to 1904. After the latter date a means was found to fight them through the charge of functioning as a monopoly.[19] This form of organization differed from the trust, in that the actual physical plants of the subsidiaries or a majority of the stock of such organizations were purchased outright by the holding company, thus giving it direct and absolute control over all the units of the group.[20]

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17. H. U. Faulkner, op. cit., p. 523.
18. Ibid., p. 523.
19. Ibid., p. 523.
20. L. M. Hacker nd B. B. Kendrick, "The United States Since 1865", p. 280.

This form of organization held many advantages for the capitalists, such as; use of only the best located plants, use of most efficient machinery, utilization of by-products, division of labor, specialization of production in different plants, savings of administrative expense, greater strength in dealing with labor, lessening of selling costs, and the strengthing of the export business.[21]

It is well to turn to the other side of the picture. The public as a whole did not benefit from the change in the industrial method of production. The savings in production were not divided between the producer and consumer but were retained as profit.[22] The producers of raw materials received lower prices due to lack of competition among buyers, and at the other end in many cases the consumer suffered from lack of consideration, because there was but a single source from which to obtain the commodity or service which was desired.[23]

As these combinations increased in numbers and size the people of the United States began to take notice of them and to demand their suppression.

There were many causes for opposition to the trust movement. The American public held a deep antipathy to any form of monopoly. It had partly been a heritage of the Englishman's common law conception that it was inimi-

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21. H. U. Faulkner, op. cit., p. 530.
22. Ibid., p. 530.
23. Ibid., p. 531.

cal to public interest. There was a growing fear, moreover, that the rich resources of the country might fall into the hands of a few individuals, who would use them for entirely selfish ends.[24] In short it was a resurging of the American distaste for monopoly and special privilege dating back to the Jacksonian Period. Then too, the power which was quickly gravitating into the hands of a few individuals would give them the ability to do much mischief such as; tampering with the government,[25] watering stock of corporations, and retaining highly paid lawyers to do their bidding. Lastly, labor was having much difficulty in dealing with the well organized and financially powerful capitalistic class.[26] Mr. George Gunton in his book, "Trusts and the Public", stated; "...the public mind has begun to assume a state of apprehension, almost amounting to alarm, regarding the evil economic and social tendencies of these organizations. In fact, the social atmosphere seems to be surcharged with an indefinite and almost inexpressible fear of trust."[27]

During the Jacksonian Period, 1829-1841, a social philosophy had evolved which might be well named the social philosophy of the common man, for he was the one who held the center of the political and social stage. In summary the philosophy taught that every man should

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24. H. U. Faulkner, op. cit., p. 531.
25. Ibid., p. 532.
26. Ibid., p. 553.
27. G. Gunton, "Trusts and the Public", p. 1.

be placed on the same social and political levels, and that no class should be exploited for the benefit of any other class. It was essentially idealistic. In realizing it restrictions would have been discarded as to suffrage and the barriers of ignorance would have been removed. In accordance with this fundamental principle resurging the American public in the late 19th century big corporations were naturally very unpopular for it was feared their strength and influence might eventually threaten the very liberty of the individual, as well as hinder the free action of the government itself.[28]

During the later decades of the nineteenth century the periodicals of the country contained innumerable articles condeming the large business organizations.[29] The growing fear found adequate expression in the press of the country. A few illustrations of the distaste for them may be found in the bitter quotations herewith selected, namely:

> Trusts are illegal corporations, born of rapacity and maintained by the exercise of tyranny.[30]

> The object of all these combinations is to effect an illegal purpose by a legal means.[31] They are despotic in spirit, tyrannical in method, openly hostile to liberty and free institutions, and threatening menaces to the pursuit of happiness, and equality, and equal opportunities under the law.[32]

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28. C. R. Fish, "The Rise of the Common People" pp. 10-12.
29. O. W. Knauth, "The Policy of the United States Towards Industrial Monopoly", p. 14.
30. Contemporary, Vol. 57, p. 829.
31. North American, Vol. 146, p. 510.
32. Ibid., p. 513.

An editorial in the Detroit Free Press for January 29, 1888, expressed the point of view of many people in the statement that:

> Congress has entered none too soon on the task of ascertaining what the 'trusts' are made of. During the comparatively short period that this new fangled device for robbing the consumer has been in operation it has grown into the most colossal proportions, and is gradually invading every branch of business where the 'combine' is at all practicable. What Congress can do to restrain the exercise of such enormous and dangerous powers--or whether it can do anything--is a problem. But it certainly cannot put in its time to better advantage than in ascertaining whether the people really are powerless to protect themselves against this new form of monopolistic oppression.[33]

In 1894 a book appeared in print which was to have an enormous influence in the shaping a public opinion against the trust. The author was Mr. Henry Demarest Lloyd, who had been working for twenty years in accumulating the material which he incorporated into his monumental work.[34] He has expressed his purpose in writing the book in the following words:

> I wrote it with the most constructive hope of helping in the application of ethical and religious principles to the business administration of the industrial resources of our common humanity.[35]

The farmers as a class were perhaps more cognizant than any other single class in the country of the evils

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33. Detroit Free Press, Jan. 29, 1888, p. 4.
34. C. Lloyd, "Henry Demarest Lloyd", Vol. 1, p. 185.
35. Ibid., p. 183.

of uncontrolled combinations. They realized that their group had little influence in determining the prices they were to receive for their products, and were at the mercy of the manufacturer relative to the prices of manufactured commodities which they were obliged to buy. Resulting from a lack of competition among manufacturers, who established the purchase price of raw materials as they saw fit and did not base their sale price on cost of production but rather on what they thought the consumer could stand, the farmer was placed in a most unfavorable economic position.[36] Professor John Hicks in his recent book, "The Populist Revolt" expresses the opinion of what trusts meant to the farmer in the following brief statement:

> Trusts indeed there were: trusts that furnished the farmer with the clothing he had to wear; trusts that furnished the farmer with the machinery he had to use; trusts that furnished him with the fuel he had to burn; trusts that furnished him with the materials of which he built his house, his barns, his fences, to all these he paid a substantial tribute.[37]

The growing antagonism on the part of the people was indicated by the various political parties in their campaign platforms. The first outspoken condemnation of monopoly, that was incorporated into a party platform, was brought forth in the election of 1880. It was the Greenback Party which incorporated the following statement into its platform:

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36. J. D. Hicks, "Populist Revolt", Vol. 1, p. 185.
37. Ibid., p. 79.

> We denounce as destructive to prosperity and dangerous to liberty the action of the old parties in fostering and sustaining gigantic land, railroad, and money corporations and monopolies, invested with, and exercising powers belonging to the Government, and yet not responsible to it for the manner of their exercise;[38]

However, the Greenback Party was the only group that took such a position in the election of 1880. In 1884 no less than four parties recognized the necessity of expressing their viewpoints on the subject. The Republican Party alone failed to do so. Furthermore, there had developed a distinct political organization of opposition aptly called the Anti-Monopoly Party. Its platform read as follows:

> That it is the duty of the Government to immediately exercise its constitutional prerogative to regulate commerce among the States. The great instruments by which this commerce is carried on are transportation, money, and the transmission of intelligence. They are now mercilessly controlled by giant monopolies, to the impoverishment of labor, and the crushing out of healthful competition, and the destruction of business security. We hold it, therefore, to be the imperative and immediate duty of Congress to pass all needful laws for the control and regulation of those great agencies of commerce...That monopolies, which have exacted from enterprises such heavy tribute, have also inflicted countless wrongs upon the toiling millions of the United States and no system of reform should commend itself to the support of the people which does not protect the man who earns his bread by the sweat of his face.[39]

The platform of the American Prohibition National Party of 1884 stated: "That land and other monopolies should

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38. K. H. Porter, "National Party Platforms", p. 103.
39. Ibid., p. 115.

be discouraged."[40] Again the Greenback National Party repeated its condemnation as contained in the platform of the previous election of 1880.[41]

In the Platform of 1884, the Democratic Party expressed its opposition but in a most conservative manner, as follows:

> While we favor all legislation which will tend to the equitable distribution of property, to the prevention of monopoly, and to the strict enforcement of individual rights against corporate abuses, we hold that the welfare of society depends upon a scrupulous regard for the rights of property as defined by law.[42]

Four years later, in the campaign of 1888 the Republican Party fell into line by inserting the following pronouncement into its platform.

> We declare our opposition to all combinations of capital organized in trusts or otherwise to control arbitrarily the condition of trade among our citizens, and we recommend to Congress and the State Legislatures in their respective jurisdictions such legislation as will prevent the exedution of all schemes to oppress the people by undue charges on their supplies.....[43]

The Democratic Party in this election expressed itself in stronger language than previously, by asserting that:

> Judged by Democratic principles, the interests of the people are betrayed, when by unnecessary taxation, trusts, and combinations are permitted and fostered, which, while unduly enriching the few that combine, rob the body of our citizens by depriving them of the benefits of national competition.[44]

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40. K. H. Porter, "National Party Platforms", p. 114.
41. Ibid., p. 126.
42. Ibid., p. 120.
43. Ibid., p. 148.
44. Ibid., p. 142.

In 1888 the Prohibition Party favored action by advocating the "...prohibiting all combinations of capital to control and to increase the cost of products for popular consumption."[45] While the Union Labor Party declared that, "The paramount issues to be solved in the interests of hunamity are the abolition of usury, monopoly, and trusts, and we denounce the Democratic and Republican parties for creating and perpetuating these monstrous evils."[46]

These quotations taken from the platforms of the several parties illustrate clearly how the question of monopoly was growing in political significance and how in each successive electoral year from 1880 to 1888 it assumed a more important place in the various party platforms.

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45. K. H. Porter, op. cit., p. 145.
46. Ibid., p. 155.

II

As soon as public opinion was aroused to a sufficient pitch the state governments looked about for a means of controlling the trust movement. As most of the combinations were based on contracts between individuals, there were times when such individuals desired to be released from their obligations. Consequently such cases of litigation reached the state courts, where decisions were based on common law interpretations of past contracts drawn up for a similar purpose. According to all interpretations of common law principle as developed by English law through the years, any organization which was monopolistic in character was illegal. Thus when a case did reach a state court the judge could declare such an organization against the law of the state on the basis of common law practice. However, it may be noted that contracts incorporating restraints of trade, when brought into court, were merely held invalid. The makers could not be indicted nor could victims enlist the aid of the law officers on the ground that injuries had been suffered.[47] Such procedure in the long run failed to accomplish the end desired and only caused inconvenience to the combination movement.[48]

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47. L. M. Hacker and B. B. Kendrick, op cit., p. 287.
48. R. E. Curtis, op cit., p. 85.

To adequately understand the common law principle upon which the court ruling was based, it is necessary at this time to refer to the English common law which touched upon the combination movement.[49] During the medieval period in England the antagonism between the producer and consumer was the direct cause of the establishment of town markets. By forcing the producers to congregate at a definite place and at a definite time, the public was assured of the presence of competition among the sellers. At the same time the townspeople were obliged to buy at the markets in competition with each other. Furthermore, the townspeople were forbidden to engage in the following methods of trade: to buy goods while such goods were in transit to market, called "forestalling"; to buy larger amounts of goods than were needed, called "engrossing"; and to buy goods for retailing before the regular consumers had supplied their wants, called "regrating".[50]

The reason for maintaining the essence of the common law rulings on this subject in modern society may be summed up by the following statement:

> Trade and commerce have ever been deemed be legislators, objects of the highest importance, those branches thereof especially, which concern articles necessary for the sus-

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49. R. E. Curtis, op. cit., p. 85.
50. Ibid., p. 86.

> tenance of man. Attempts to interrupt or impede commerce of this character have in all ages and in all nations, by common consent, been resisted and guarded against.[51]

Although such offences as regrating, forestalling, and engrossing in their original meaning cannot be existent in modern business methods, yet the basic principle of unfair competition still persists.[52]

The state courts operating under the common law principle were clearly expressing the wishes of the people. However, little was accomplished toward eliminating the trust organization. All suits under the common law were of a civil nature and only reached the courts when one party to an an agreement in restraint of trade was charged with breaking his contract. As long as harmony existed they were free to go on their way. The logical solution was to enact criminal laws covering such organizations, and enforcing them by public officers in order to ensure a means of safeguarding the interests of the general public.[53]

The situation was further complicated by the fact that the federal government as such had no common law. The consequence was that restraints of trade committed in interstate or international commerce could not be passed upon by the United States Courts.[54]

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51. R. E. Curtis, op. cit., p. 86.
52. Ibid., p. 91.
53. Ibid., p. 116.
54. L. M. Hacker and B. B. Kendrick, op. cit., pp. 288-89.

When it was realized that the states could not control the trust by evolving common law principles they turned to the enactment of laws drawn up to meet the problem.

The first effort to curb the power of monopoly in any state occurred in 1776, when Maryland inserted into her Bill of Rights a provision "that monopolies are odious, contrary to the spirit of free government and the principle of commerce and ought not to be suffered".[55]

The State of Kansas was the first to enact a general anti-trust law. It was passed March 2, 1889. The following states passed similar laws in the same year; Maine, North Carolina, Tennessee and Michigan. The next year South Dakota, Kentucky, and Mississippi followed suit. All of these laws were in effect before the Federal Government stepped in to assist them in their fight. Other states enacted legislation to the same effect after the passage of the Sherman Anti-Trust Act of 1890.[56] This new state legislation was enacted because the Federal Law did not function as desired.[57] By the year of 1900 thirty-eight states had some sort of anti-trust legislation.[58]

All of the state laws were very similar in construction, naturally, as every one endeavored to achieve the same pur-

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55. E. F. Humphrey, "An Economic History of the United States", p. 365.
56. Ibid., p. 366.
57. R. E. Curtis, op. cit., p. 116.
58. E. F. Humphrey, op. cit., p. 366.

pose. A brief examination of the Missouri Law will serve to illustrate the general character of all state legislation on that subject. It declared; (1) that any person or persons who created any organization which resulted in the restraint of trade, production, or transportation would be deemed guilty of conspiracy in restraint of trade; (2) that any person or persons who were members of any combination and should as members of such an organization discriminated against any non member by refusing to buy from or to sell to that organization should be deemed guilty of conspiracy in restraint of trade; (3) that any person or persons who organized with the object of increasing the price of any commodity or commodities should be deemed guilty of conspiracy in restraint of trade; The penalties included the paying of fines, serving of prison terms, forfeiture of charters of incorporation, collection of damages by the offended party, and the non-liability for the payment of goods purchased from a trust.[59]

The state courts first endeavored to prevent monopoly through decisions based on the English common law principle, which ruled that contracts or agreements in restraint of trade were invalid and not enforcable by courts of law.[60] In accordance with this principle many cases were heard and judged in the state courts involving combination. It will be well to note a few of the more important cases.

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59. R. E. Curtis, op. cit., pp. 119-20.
60. E. Jones, op. cit., p. 300.

In 1859 the State Court of Louisiana heard the case of the India Bagging Association v. B. Kock and Company. It concerned a group of companies dealing in India bagging who had agreed not to sell any bagging for a period of three months, except with the consent of the majority of the association members, under the penalty of $10 fine for every bale sold. One member sold 740 bales of bagging in violation of the agreement and the manager of the Association brought suit to collect the fine. However, the court ruled that such an organization was a combination in restraint of trade and therefore the articles of the Association could not be enforced by the courts.[61]

A later case involving the trustee form of combination appeared in the suit of The People of the State of New York v. The North River Sugar Refining Company. In 1890 the attorney General of New York brought suit against the above mentioned company on the charge that its act in becoming a member of the Sugar Refineries Company, a trust, justified the vacating of its charter. By that action the offending company had become a part of a combination which had full control of its operation, and thus had become an integralpart of a monopoly. Under the terms of a corporate charter the control of the corporation must remain in the hands of the

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61. E. Jones, op. cit., p. 303.

stockholders, but they had relinquished that control to an irresponsible board. Therefore, the charter was declared forfeited.[62]

The case of Richardson v. Buhl decided in 1889 by the state courts of Connecticut involved the corporation type of monopoly. The Diamond Match Company of Connecticut had been organized in 1880 with the purpose of combining all the match producing companies in the United States. The companies which joined that corporation exchanged all their real estate, machinery, patents and good will for common stock of the parent corporation.

They also agreed to buy preferred stock equal to one half of the amount of the common stock received. The Richardson Match Company did not have a sufficient amount of cash to buy the required amount of preferred stock and so borrowed a large sum from Buhl, securing the loan by turning over the greater part of the preferred stock to Buhl with an agreement as to the division of the dividends between the two parties to the transaction. A suit was shortly brought by Richardson over a disagreement on the latter question. The court ruled that the contract had been entered into to aid the Diamond Match Company to carry out its object of monopoly. The fact that the Diamond Match Company was an unlawful organization invalidated any

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62. E. Jones, op. cit., pp. 313-14.

contract made with the purpose of furthering its objective.[63]

The separate laws of the several states failed to operate effectively against the trusts. Under the Constitution of the United States each state had to give full credit to the acts of any other state. Thus an organization would incorporate in a state which did not have an anti-trust law and on the basis of that legal position operate in any other state of the Union it so desired. Those states having anti-trust laws on their statute books could not bring charges against such alien organizations having local branches within their boundaries. Again, if a state which had an anti-trust law set out to prosecute a corporation organized under its jurisdiction the latter could and would move to a state in which their type of business combination was possible.[64]

Examples of such states were New Jersey and Delaware as both of these states maintained most liberal attitudes toward large corporations. Their general incorporation acts put no restriction on the amount of capital stock which might be issued; it permitted the holding of directors' meeting outside of the state; and permitted the establishment of branch offices at any place that the executives deemed suitable. The only positive demands were: that, the main office be located within the state; that the stock transfer books and the meetings of the stockholders be with-

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63. E. Jones, op. cit., pp. 315-16.
64. Nineteenth Century, Vol. 29, p. 840.

in the confines of the state; and that all records of the corporation be subject to call when needed by the proper state authorities.[65]

65. R. E. Curtis, op. cit., p. 118.

III

The public agitation over the trust situation and the apparent inability of the several states to handle the problem caused the question to arise in Congress. The first manifestation was in the House of Representatives.

Before any legislative steps could be taken, a thorough investigation into the machinations of the so-called trusts was necessary. The charges brought against the conbinations by various organizations and groups of citizens were expecially serious. It was necessary to determine the truth of such charges.

The first resolution recommending an investigation was presented on January 4, 1888, by Mr. W. E. Mason of Illinois. It specifically mentioned coal and sugar as the commodities controlled and charged that companies were apparently taking advantage of the tariff laws to increase the price of such commodities to the consumer. The investigation was to be in the hands of the Committee on the Judiciary, which was to determine the following questions: (1) the effect of monopoly on the price of necessities of life; (2) whether such effect was harmful to the interests of the people; and (3) what steps should be taken, if the charges were proven to be true. A report was to be presented as soon as possible

by a bill or otherwise. This resolution was referred to the Committee on Manufactures.[66]

On January 10, 1888, Mr. R. W. Guenther of Wisconsin presented a bill asking for the creation of a commission to make a complete investigation of the trust situation. It was given two readings and then referred to the Committee on Commerce.[67]

The next move occurred on January 21st when Mr. Henry Bacon of New York, a member of the Committee on Manufactures, reported Mr. Mason's resolution. It was in the nature of a substitute for the original resolution. It recommended that the Committee on Manufactures be authorized to make an enquiry into the subject of trusts to determine the following things: (1) the names, numbers and extent of trusts; (2) their methods of operation; (3) their methods of combination; (4) their effect upon the price of the necessities of life.

After such an investigation the committee was to report their findings to the House, together with any suggestions they may have agreed upon. Mr. Bacon moved that the matter be considered immediately but it was placed on the House Calendar to await its turn.[68]

Four days later on January 25th, Mr. Bacon asked that the resolution of the Committee on Manufactures be

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66. Cong. Record, 50 Cong., 1 Sess., p. 210.
67. Ibid., p. 321.
68. Ibid., p. 609.

considered, and so it was read in full. Immediately comments and criticisms poured in from all quarters. Mr. S. J. Randall of Pennsylvania started off the discussion by objecting to the resolution because it did not specifically mention the Standard Oil and Whiskey Trusts. He was likewise doubtful if Congress even had the power to legislate on such a subject. Mr. Bacon, however, was of the opinion that the wording was such as to include all types of monopolistic organizations. Nevertheless, he expressed his desire to conform to any wishes expressed by Mr. Randall. It was suggested that after the words "necessaries of life" in the preamble, that the words "and other products of sale" be added. The insertion was agreed to.[69]

Other questions followed as to the scope of the investigation. Mr. J. B. Weaver of Iowa asked if express companies would be included. Mr. C. N. Brumm desired to know if the big anthracite coal monopolies would come under the provisions of the resolution, all had certain combinations which they believed should be investigated. However, Mr. Bacon best expressed the limitation of the resolution, when he stated that the House of Representatives had no right to investigate organizations which were formed under the laws of any state and conducted its business entirely within that area.

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69. Cong. Record, 50 Cong. 1 Sess., p. 719.

Mr. Bacon believed that questions could be asked only concerning the matters over which the House had the power to legislate. Mr. W. L. Scott desired to know just where Congress derived the authority to legislate on trust matters. Mr. Bacon informed him that the matter would be settled when the legislation was presented.[70]

Mr. I. Rayner of Maryland presented an amendment to the resolution, suggesting that the following words be added: "but are not incorporated under the laws of any State."[71] Mr. Randall recommended that the word "producting" be inserted after the word "manufacturing" in the second line of the preamble. Also in the third line, after the word "life" insert "and other products" and in line five of the resolution, after the word "life" insert the words "and of all such production."[72] These changes were agreed to. Mr. Rayner moved that the words, "which are not incorporated under the law of any other State", in the first paragraph be struck out. This was done. The entire resolution was read as amended and was adopted.[73]

On February 6, 1888, Mr. S. L. Milliken of Maine presented a resolution to the House which directed the Secretary of the Treasury to investigate the Sugar Trust. The Collector of Customs of the Port of New York was to be directed to furnish all data concerning the trust

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70. Cong. Record, 50 Cong. 1 Sess., pp. 719-720.
71. Ibid., p. 721.
72. Ibid., p. 723.
73. Ibid., p. 723.

to the Secretary of the Treasury. It was referred to the Committee on Manufactures.[74]

The resolution was reported adversely on February 24th by Mr. C. R. Breckinridge of Arkansas. Mr. Milliken requested that a consideration of the report be held over until the next Monday. His request was granted.[75]

The report was again presented on February 27th and at that time was read. The resolution was rejected for several reasons. It requested the Secretary of the Treasury to make an investigation outside of his own department. Had the House any authority to direct him to do so? Again should the investigation be restricted to New York or extended to other parts of the country? The committee felt that a special House Committee would be better suited for the purpose desired. However, before submitting the report a letter had been directed to the Collector of Customs of the Port of New York asking him if his department held material which pointed toward the existence of a sugar trust. The reply was in the negative. On the basis of such considerations it recommended that the resolution be laid on the table. The wish of the committee was granted.[76]

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74. Cong. Record, 50 Cong. 1 Sess., p. 983.
75. Ibid., p. 1463.
76. Ibid., p. 1508.

A new suggestion was made when Mr. W. D. Owen of Indiana presented a resolution on March 12th. It recommended that the Secretary of the Treasury be authorized to appoint a commission of five men, whose duty it would be to investigate all organizations suspected of being monopolistic trusts and to report their findings to Congress on the first Monday of the next December. This resolution was referred to the Committee on Manufactures.[77]

For some time the Committee on Manufactures had been carrying on their investigation as directed by the House. Mr. Bacon submitted a report on July 30. He stated that the investigation had been conducted along the following directives: (1) with relation to trusts which produced articles now protected by tariff regulation; (2) also those combinations producing commodities which are free from foreign competition; (3) as well as organizations dealing in articles subject to taxation by the Federal Government.[78] He asserted that the investigation had concentrated on the Sugar Trust and the Standard Oil Trust. He found that both were along the same lines. There existed a certain number of corporations organized under the laws of different States and subjected to their control. These corporations had issued stock to individuals who in turn surrendered such stock to a board of trustees and had accepted trust certificates

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77. Cong. Record, 50 Cong. 1 Sess., p. 1975.
78. Ibid., p. 7038.

in lieu of it. The various corporations, it was learned, maintained their own individual identity and were carrying on the mechanics of their own unit. The board of trustees constituted the governing body of that particular group. Their duties were as follows: (1) to receive all dividends and to redistribute them to trust certificate holders, and (2) to formulate all policies governing the actions of the combination. The trusteeship was the prevalent type of combination in existence and did not constitute a trust in the accepted sense of the word. Such an organization was developed to avoid the state laws concerning concentration, to control the price or output of any commodity. They asserted that the corporations themselves, which controlled and regulated the price of commodities and the extent of production and which retained the ownership of all tangible property, were individual concerns and did not constitute a combination. The combination existed among the stockholders, who according to all legal rules retained no title to any property of the corporations whose stock they held. They merely sold their stock to a central organization and were paid in trust certificates instead of money. Therefore the trustees held no legal title to any corporate property.[79] The report was referred to the House Calendar.

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79. Cong. Record, 50 Cong. 1 Sess., p. 7038.

Turning now to the Senate, where Senator J. K. Jones of Arkansas submitted a resolution on August 6th asking that the Committee on Finance be directed to investigate the Cotton-Bagging Trust of the South. The resolution was laid over and ordered to be printed.[80] On August 7th it was again presented and was adopted.[81]

On September 13, 1888, Senator O. H. Platt of Connecticut presented a resolution directing the Committee on Finance to investigate the International Copper Trust whose headquarters was in Paris. According to his knowledge of the subject that organization had a three-year contract with United States producers and were, at that time, attempting to tie them up with a twelve-year contract at a price but slightly above the market price. On that basis, all profits above that price would go into the hands of foreign capitalists. Senator H. W. Blair of New Hampshire suggested tariff regulation as a corrective, but Senator O. H. Platt did not see how such action would help matters. In fact he was very much against bringing the tariff into the discussion at all.[82] After much discussion, most of which did not touch the matter at hand,[83] the resolution was agreed to.

Senator G. F. Hoar submitted a resolution, on September 17th similar to that of Senator Jones, asking that the

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80. Cong. Record, 50 Cong. 1 Sess., pp. 7261-62.
81. Ibid., p. 7275.
82. Ibid., p. 8556-60.
83. Ibid., p. 8603.

Committee on Finance investigate the Cotton-Bagging Trust of the South.[84] It was considered and adopted.

The only resolution, whose source was outside of Congress was that of the State Grange of Illinois asking for a Congressional investigation of the Cattle and Dressed-Beef Combination. It was submitted to the Senate by Mr. S. M. Cullom on February 20th, and was referred to the Select Committee on the Transportation and Sale of Meat Products.[85]

It is possible to gauge the direct pressure exerted on Congress by the people through the number of anti-trust petitions which were presented to that body by various groups of citizens demanding action for the curtailment of the massive monopolistic organizations which infested the country.

Without exception these petitions were from rural or small urban sources. Farm organizations and citizen groups in towns, being conscious of the present and impending dangers, took that method of bringing to the legislators a knowledge of their desires.

The following organizations were most active in promoting legislative action against the trusts: Farmers Alliances, Farmers Mutual Benevolent Association, the State Legislatures of Virginia and Kansas, Patrons of Husbandry,[86] and the Farmers' and Laborers'Unions.

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84. Cong. Record, 50 Cong. 1 Sess., p. 8645.
85. Cong. Record, 50 Cong. 2 Sess., p 2135.
86. See Appendix A.

Some notion of the efforts of each organization may be derived by noting the number of petitions each group presented. The first group drew up six petitions; the second, sixty-five; the third group included four from Virginia and three from Kansas; the fourth included thirteen; the fifth group three; and the sixth group presented five petitions.[87]

The pressure was exerted on the members of both the Senate and the House of Representatives, although by far, the greater number was directed to the House. Fifteen petitions were presented in the former chamber and eighty-three in the latter.[88]

The first petition was introduced, on March 17, 1888, in the House of Representatives by Mr. C. A. Anderson, on behalf of forty-three citizens of Quincy, Illinois.[89] A considerable time elapsed before the next petition was forthcoming, as it did not appear until January 4, 1889, and was presented to the Senate by Mr. J. H. Reagan at the request of the Pomona Grange of Navarro County, Texas.[90] For a year and a half petitions came thick and fast until June 18, 1890, at which time, Mr. E. V. Brookshire presented the last of them to the House of Representatives at the instigation of the Wilson Lodge, No. 3977, Farmers Alliance of Vermillion County, Illinois.[91]

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87. See Appendix, A
88. Ibid.
89. Cong. Record, 50 Cong. 1 Sess., p. 2199.
90. Cong. Record, 50 Cong. 2 Sess., p. 514.
91. Cong. Record, 50 Cong. 1 Sess., p. 1077.

To make ready for his bill, soon to be introduced, Mr. Sherman presented a resolution to the Senate, July 10, 1888. It requested that the Committee on Finance be authorized to inquire into and report on any bill referred to it that may have for its purpose the prevention of arrangements, agreements, contracts, or combinations whose aim is: (1) to prevent full and free competition in the production of any commodity or commodities; (2) to prevent full and free competition in the sale of such articles; (3) to prevent full and free competition in the sale of articles imported into the United States from foreign nations; (4) to maintain an artificial price level based on monopoly. This resolution was adopted.[92]

Mr. W. H. Crain, a Representative from Texas, introduced into the House a resolution on September 21, 1888. This resolution sought to allow the Committee on the Judiciary to report at any time a bill which would suppress and prevent the formation of trusts. Mr. Crain asked that unanimous consent be granted for its reference to the Committee on the Judiciary. Mr. S. T. Hopkins of New York objected and the resolution failed.[93]

On October 1st, Mr. S. W. Lanham of Texas presented a resolution to the same body, which stated that it was the immediate duty of the House to draft legislation to

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92. Cong. Record, 50 Cong. 1 Sess., p. 6041.
93. Ibid., pp. 8827-28.

suppress and prevent the formation of trusts. He felt that that objective should take first place in the business of the House even if other legislation must be neglected. It was referred to the Committee on Rules.[94]

The next resolution, a very radical one, was submitted to the Senate by Mr. D. Turpie of Indiana, on December 9, 1889. It proposed that the penal part of any law against trusts include a provision for the seizure of any goods held by a company, or corporation at the time that it was declared to be a trust. He asked that his resolution be immediately laid on the table and printed, for he intended to bring it up the next day when he would make some remarks.[95]

The following day Mr. Turpie requested that his resolution be read once more. After the reading he argued that the trusts arbitrarily controlled the price of both commodities and labor with no regard for the real worth of either factor. He said trusts came into being through the protection afforded certain products under the Tariff Law of 1883. With the years,he continued, they had so increased their power that non-protected commodities had come within their rigid control with the consequent sorrow to the buying public. To rectify this grave condition, the President of the United States should have the right to

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94. Cong. Record, 50 Cong. 1 Sess., p. 9074.
95. Cong. Record, 51 Cong. 1 Sess., p. 125.

remove the duties on trust controlled commodities until such time as the trust benefiting from such protection has disbanded. As to the trusts which control domestic products, he argued that those commodities under their control should be subject to seizure by the Federal Government as contraband.[96]

Mr. B. A. Enloe of Tennessee, on December 18th submitted a most drastic resolution to the House of Representatives, proposing an amendment to the Constitution of the United States, which would suppress trusts as well as gambling contracts in agricultural and other products. The Committee on the Judiciary took over this resolution.[97]

In many quarters there was doubt as to the Congressional power to legislate in trust matters. To clarify this matter Senator J. Z. George of Mississippi introduced a resolution into the Senate, on March 25, 1890, recommending a constitutional amendment specifically giving Congress the right to deal with such questions. The proposed amendment read as follows:

> The Congress shall have the power concurrent with the several States to make all laws which shall be necessary and proper to suppress combinations in restraint of trade and production, and to prevent transaction which create a monopoly or increase or depress the price of commodities which are or may become subjects of commerce among the States or with foreign nations.

It was referred to the Committee on the Judiciary.[98] However, it was never reported.

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96. Cong. Record, 51 Cong. 1 Sess., pp. 137-40.
97. Ibid., p. 254.
98. Ibid., p. 2555.

As a direct result of the concerted pressure exerted on Congress through the petitions of the numerous associations of citizens a great number of anti-trust bills were introduced in both the House of Representatives and the Senate. To treat all these bills in detail would serve a useless purpose, for the greater part of them were referred to committees where they died or were reported adversely. Therefore, they did not directly influence the final legislation, but they did indicate the prevalent feeling on the part of the people that the Federal Government should take some action to correct the trust evil.

All of the bills had the same objective in view and were, of course, quite similar in character. A few did manage to survive the committee action, and were discussed and analyzed. These are treated in a later chapter and will reflect the general make up of all the bills submitted.

Of these unsuccessful bills, thirty-four were introduced into the House of Representatives and four in the Senate.[99] They were referred to the following committees; Committee on Manufactures, Committee on Ways and Means, Committee on Commerce, Committee on Finance and the Committee on the Judiciary.[100]

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99. Appendix, B.
100. Ibid.

IV

President Benjamin Harrison expressed his support of anti-trust legislation in two important addresses. He first mentioned the subject in his Inaugural Address of March 4, 1889 in words which should have conveyed a warning to the leaders of the trust movement. His attitude was expressed in the following words:

> If our great corporations would more scrupulously observe their legal limitations and duties, they would have less cause to complain of the unlawful limitations of their rights or of violent interference with their operations.[101]

Again in his First Annual Message, delivered on December 3, 1889, he was much more emphatic in his statement on the subject, as he felt that action was imperative on the part of the Federal Government. He said:

> Earnest attention should be given by Congress to the consideration of the question how far the restraint of those combinations of capital commonly called "trusts" is a matter of Federal jurisdiction. When organized, as they often are, to crush out healthy competition and to monopolize the production or sale of an article of commerce and general necessity, they are dangerous conspiracies against the public good, and should be made subject of prohibitory and even penal legislation.[102]

The members of Congress were not of one mind as to the necessity for anti-trust legislation. However, opposition to such action did not reach such proportions

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101. J. D. Richardson, "A Compilation of the Messages and Papers of the Presidents, 1789-1887", Vol. 9, p. 9.
102. Ibid., Vol. 8, p. 358.

as to endanger the passage of an anti-trust bill, although the friends of the Sherman Bill almost destroyed it by a deluge of amendments and extended debate. Representative Thomas B. Reed of Maine expressed his opinion of anti-trust action in the following words:

> I suppose...that during the ten years past I have listened to more idiotic raving, more pestiferous rant on this subject than all others put together...There is no power on earth that can raise the price of any necessity of life above a just price and keep it there.[103]

With reference to the Sherman Anti-trust Bill Senator Orville H. Platt of Connecticut stated:

> I do not like to vote against this bill. I believe that there are combinations in this country which are criminal, but I believe that every man in business...has a right, a legal and a moral right, to obtain a fair profit upon his business and his work; and if he is driven by fierce competition to a spot where his business is unremunerative, I believe it is his right to combine for the purpose of raising prices until they shall be fair and remunerative.[104]

On the other hand Senator Shelby M. Cullom of Illinois thought that: "the Sherman Anti-Trust Act was one of the most important enactments ever passed by Congress."[105]

Senator John Sherman of Ohio introduced an anti-trust bill into the Senate, August 14, 1888, and it was referred to the Committee on Finance.[106] Mr. Sherman being a member

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103. W. A. Robinson, "Thomas B. Reed", p. 172.
104. L. A. Coolidge, "An Old Fashioned Senator", p. 443.
105. J. F. Rhodes, "History of the United States", vol. 8, p. 3
106. Cong. Record, 50 Cong. 1 Sess., p. 7513.

of that Committee, assured the bill of receiving every consideration on the part of the committeemen and also enhanced its chances of being reported back to the Senate. This bill, the first one with enough power behind it to meet a receptive ear, was concise and to the point. It read as follows:

> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the production, manufacture, or sale of articles of domestic growth or production, or of the sale of articles imported into the United States, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed or which tend to advance the cost to the consumer of any such articles are hereby declared to be against public policy, unlawful, and void; and any person or corporation injured or damnified by such arrangement, contract, agreement, trust or corporation may sue for and recover in any court of the United States of competent jurisdiction double the amount of damages suffered by such person or corporation. And any corporation doing business within the United States that acts or takes part in any arrangement, contract, agreement, trust, or corporation shall forfeit its corporate franchise; and it shall be the duty of the district attorney of the United States of the district in which such corporation exists or does business to institute proper proceedings to enforce such forfeiture.[107]

After due consideration over the period from August 14 to September the 11th Senator Sherman, as the Committee representative, reported his bill on the latter date with a committee amendment in the nature of a substitute for his original bill.[108] The bill had been analyzed and broken

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107. Cong. Record, 51 Cong. 1 Sess., p. 2598.
108. Cong. Record, 50 Cong. 1 Sess., p. 8483.

up into its various parts in order to better permit intelligent debate. It was changed by striking out all matter after the enacting clause and inserting the following substitution:

> Section 1. That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production or domestic raw materials that compete with any similar articles upon which a duty is levied by the United States or which shall be transported from one State or Territory to another, and all arrangements, contracts, agreements, trusts, or combinations, between persons or corporations designed or which tend to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful and void.
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> Section 2. That any person or corporation injured or damnified by such arrangement, contract, agreement, trust, or combination may sue for and recover in any court in the United States of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, the full consideration or sum paid by him for any goods, wares, and merchandise included in or advanced in price by said combination.
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> Section 3. That all persons entering into such arrangement, contract, agreement, trust, combination described in section 1 of this act, either on his own account or as an agent or attorney for another, or as an officer, agent, or stockholder of any corporation, or as a trustee, committee, or any capacity whatever, shall be guilty of high misdemeanor and on conviction thereof in any district or circuit court of the United States shall be subject to a fine of no more than $10,000, or to imprisonment...for a term of not more than five years or to both...And it shall be the duty of the district attorney of the United States of the District in which such persons reside to institute the proper proceedings to enforce the provisions of the act.

As set down here this bill was placed on the Calendar.[109] But the opening gun was not fired until September 12th when Senator J. L. George of Mississippi presented the following suggestions as additional amendments to the bill providing that: (1) When any business organization has gained a monopolistic control over any commodity which has resulted in an advance in price and this fact has been proved to the satisfaction of the President of the United States, he may order that the collection of custom duties on that commodity be discontinued. Such a proclamation will remain in force until the price has been adjusted to his satisfaction, at which time he may withdraw it. However, the duties may not be again collected until ninety days after the withdrawal. He may reissue the proclamation at any time that a like situation may reoccur. (2) Any commodity which might be enhanced in price due to monopolistic control by any business organization will not be lawful subject of interstate commerce. Such prohibition will be removed only when the price is so adjusted as to indicate the presence of complete freedom of competition. (3) For every violation of such proclamation as the President may issue will be subject to punishment similar to that provided in section 3 of the Finance Committee's bill.[110]

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109. Cong. Record, 50 Cong. 1 Sess., p. 8483.
110. Ibid., p. 8519-20.

After the Clerk had read the amendments Senator George went on to explain each section in detail. The first part adequately dealt with trusts fostered by the protective features of the tariff law, and was legal in every respect. The second, would provide a means of controlling organizations which dealt in domestic products and the last provided the teeth necessary to enforce such corrective steps.[111]

To begin the debate Senator G. F. Hoar of Massachusetts presented the following specific questions for consideration, namely: (1) "Is there a Standard Oil Trust?" (2) "Is it represented on the Cabinet?" (3) "Is it represented in the Senate?" (4) "Is it represented in the councils of any political party in this country?"[112]

Senator Hoar continued his discussion by remarking that one section of the amendment presented by Senator George would give the President an extremely drastic power over the tariff. A power which the framers of the Constitution specifically delegated to the people themselves as represented in the House of Representatives, since only that body can initiate such legislation. It would be most inadvisable to place such power to tamper with the tariff in the hands of one man alone. Furthermore, in as much as the large corporations have been the major contributors to the campaign funds of political parties, would a man elected through the use of such funds be likely to move against the financial backers of his party?

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111. Cong. Record, 50 Cong. 1 Sess., p. 8520.
112. Ibid., p. 8520.

Senator J. H. Reagan willingly offered to elucidate the questions, but not until the bill came up for discussion.[113] However, Mr. H. B. Payne of Ohio, who believed he was the one referred to as representing the Standard Oil Company in the Senate, did not hesitate to reply. He stated that he had never owned stock in that company nor rendered it a service.[114]

On September 13th Senator David Turpie of Indiana submitted some amendments to the Committee's bill, but as they were not read over, they were ordered to be laid on the table.[115]

On the same day Senator George attempted to answer the questions asked by Senator Hoar during the previous day. His understanding was that the Standard Oil Company was a trust and would be suppressed under section four of his amendment. George stated that not to his knowledge was this trust represented on the Cabinet, although the Secretary of the Navy Mr. Whitney, was associated with the company there was no evidence that he had ever used his position to aid this organization. As to its representation in the Senate; that question was answered by Mr. Payne. He did not see how the Democratic Party was responsible for the fact that some of its members might be stockholders. He went on to deny that the

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113. Cong. Record, 50 Cong. 1 Sess., p. 8521.
114. Ibid., p. 8522.
115. Ibid., p. 8559.

section of his amendment giving the President power to reduce the tariff duty on imported commodities under certain circumstances was conceding to him extraordinary powers. According to the United States Statute, the President had specific power to reduce taxes when confronted with certain situations and in respect to certain others to restore them.

Senator Hoar stated that such answers could not remove from the minds of the people the belief that two managers of the Standard Oil Company,[116] Mr. Oliver Payne and Colonel Thompson,[117] had contributed largely to the Democratic Party and thereby influenced its councils. He further claimed that the bill and the proposed amendments, as then drawn up, could not touch this great trust. He further claimed that Presidential power to tamper with the tariff at will would ruin many honest manufacturers.[118] The discussion ended here.

Not until January 23, 1889, did Senator Sherman move[119] that the bill be considered. At the same time it was moved to strike out in lines 9 and 10 of Section 1 the words "competes with any article upon which a duty is levied by the United States, or which," and insert in place of it after the word "that" in line 9 the words "in due course of trade"[120] so as to read: "that all arrange-

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116. Cong. Record, 50 Cong. 1 Sess., p. 8563.
117. Ibid., p. 8523.
118. Ibid., p. 8463.
119. Cong. Record, 50 Cong. 2 Sess., p. 1120.
120. Ibid., p. 1121.

ments, contracts, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production,or domestic raw materials that in due course of trade shall be transported fromone State or Territory to another, and all arrangements, contracts, agreements, trusts, or combinations, between persons or corporations designed or which tend to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful and void."[121] No action was taken and the bill was postponed until the following day.[122]

Sherman did not bring it up again until September 25th at which time his amendment was agreed to. Senator Hoar then moved to amend section 1 by inserting after the word "another" in line 11 the words "or to the district of Columbia, or from the District of Columbia to any State or Territory." This merely enlarged the scope of possible trade transactions and was agreed to.[123]

Senator Hoar then submitted the following amendment to be inserted as section 2, the following num-

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121. Cong. Record, 50 Cong. 1 Sess., p. 8433.
122. Cong. Record, 50 Cong. 2 Sess., p. 1121.
123. Ibid., p. 1167.

bers to be changed accordingly: "If any company or organization is formed for the purpose of forcing any other organization to join it or tends to do so the injured party may instigate a suit in any court of the United States of proper jurisdiction and recover to the amount of any damages suffered at the hands of the offending organization."[124]

He recommended that it be placed as Section 3 instead of Section 2.[125] This amendment was agreed to and became Section 3 of the Committee's Bill, while the original Section 3 was changed to Section 4.[126]

Senator J. B. Eustus of Louisiana believed that the law as then constructed did not have retroactive power, and therefore would not touch those trusts already in existance at the time the bill became effective. He in turn proposed the following amendment to correct that item:

> That any person who 30 days after the passage of the law shall act as a manager officer, trustee, or agent of any trust or combination as described in the first section, shall be liable to the penalties prescribed in the fourth section.[127]

Senator Sherman however, believed thirty days was too short a period for all interested persons to become cognizant of the law's existence. He suggested a space of six months or a year. Finally, Senator Eustus changed his

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124. Cong. Record, 50 Cong. 2 Sess., p. 1167.
125. Ibid. p. 1167.
126. Ibid., p. 1168.
127. Ibid., p. 1168.

period to ninety days and that time allotment was agreed to. It became Section 5 of the bill as reported. Senator O. H. Platt, of Connecticut, believed the words, "arrangement, contract, agreement, trust, or combination," should appear in the last amendment.[128] The words were, therefore, ordered to be included, and the bill was held over.[129]

On February 4, 1889 the bill was once more brought up for discussion. The first person to speak was Senator J. K. Jones, of Arkansas. Although he viewed with some alarm the increasing tendency toward centralization of power in the hands of the Federal Government he fully realized that the State Governments were unequal to cope with the tremendous and vital question of trust growth. For that reason he was ready to support in every way possible anti-trust legislation. He remarked as follows:

> If, however, this bill shall become law, and I hope it will, it may prove a great educator, and people may come to believe after awhile that no class of persons in this country has any right to be enriched by indirect means at the expense of the many, and if this shall come to be fully accepted as correct and just by the whole people, your system of protection - that system of 'concealed bounties', to use the expressive words of the honorable Senator from Iowa - will, like many another pirate that has gone before, have to 'walk the plank'".[130]

It was at this time, that Senator George made a concerted and detailed attack, point by point, on the bill.

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128. Cong. Record, 50 Cong. 2 Sess., p. 1168.
129. Ibid., p. 1169.
130. Ibid., pp. 1456-58

His criticisms were included in four points as follows: (1) The bill's action would not be confined to trusts. If construed strictly according to its legal meaning, the Southern farmers would be prevented from organizing to refuse purchase of jute-bagging from that trust, for such an action would hinder free and full competition in the sale of that commodity. Thus the people's efforts to rid themselves of trust oppression would be prevented. Again laborers could not organize to force the payment of higher wages for such an act would eventually force up commodity prices. The same thing would happen if farmers organized and agreed not to sell except at a fair price. (2) Combinations formed outside the borders of the United States could not be controlled. Any number of trusts could organize in Canada under their laws and open branches in this country. The result would be a trust organized outside of the jurisdiction of American law. (3) A trust of any size could organize within a State with perfect immunity. Such a trust would be legal as long as it did not engage in interstate commerce. It is legal to organize a corporation as well as to engage in interstate commerce. Yet the two together may constitute an illegal act. In other words two rights may make a wrong. (4) Besides it concerns only two or more individuals. One person with sufficient financial strength could form a monopoly as

powerful as he wished without in any way being hindered by the proposed law.[131]

Senator George concluded his remarks by saying that Congress could gain jurisdiction over the trust question only through the Congressional power to levy taxes, and the bill in its present form would be wholely inadequate to correct the evil.[132]

This concluded the action taken on the Sherman Bill in the Fiftieth Congress. No definite action had resulted, nor did its members get well into real argumentative debate. Serious debate was to come in abundance on the floor of the Senate in the next Congress.

In the Fifty-First Congress the anti-trust bill became Senate Bill, Number 1. It was Senator Sherman, who again reported it from the Committee on Finance, January 14, 1890, with the amendments passed by the previous Congress.[133] It was placed first on the Calendar, but Senator J. G. Harris of Tennessee requested that it be passed over for the present. Likewise, Senator George requested that Senator Sherman give him twenty-four hours notice before taking up the measure. The latter agreed to both of their requests, and assured them that he would bring the bill up as soon as Senate business permitted.[134]

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131. Cong. Record, 50 Cong. 2 Sess., pp. 1458-60.
132. Ibid., p. 1461.
133. Cong. Record, 51 Cong. 1 Sess., p. 541.
134. Ibid., p. 1328.

Therefore, on February 27th the bill came up for consideration. It was re d in full thereupon Senator George made the initial attack on the measure. The following parts comprised the criticisms of the Mississippi Senator, namely; (1) it was somewhat obscure; (2) some parts were ambiguous; (3) it incorporated both penal and criminal features; (4) as a criminal statute the courts would interpret it in favor of the alleged violators; (5) there would be no opportunity of evolutionary growth. He continued to enumerate and enlarge upon these same criticisms which he had dealt with at the end of the previous Congress.[135]

Next Senator J. H. Reagan of Texas submitted an amendment which was in fact a substitute for the Committee Bill. It contemplated striking out all subject matter after the enacting clause and inserting the following sections: (1) Section One was similar in context to the Third Section of the Committee Bill; (2) Section Two defined a trust in the following manner:

> That a trust is a combination of capital, skill, or acts by two or more persons, firms, corporations, or associations of persons, or of any two or more of them for either, any, or all of the following purposes;
> (1) To create or carry out any restrictions in trade.
> (2) To limit or reduce the production or increase the price of merchandise or commodities.
> (3) To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

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135. Cong. Record, 51 Cong. 1 Sess., p. 1765.

Thereafter, on February 17th the bill came up for consideration. It was [illegible] upon Senator George made the initial motion on the measure. The following parts comprised the criticisms of the Wise-Sheppard Senator, namely: (1) it was somewhat obscure; (2) some parts were ambiguous; (3) it incorporated both penal and criminal features; (4) were criminal statute the courts would interpret it in favor of the alleged violators; (5) there would be no opportunity of evolutionary growth. He continued to comment and enlarge upon these same criticisms which he had dealt with at the end of the previous Congress.[136]

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> (2) To limit or reduce the production or increase the price of merchandise or commodities.
> (3) To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

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136. Cong. Record, 61 Cong. 1 Sess., p. 1928.

(4) To fix a standard or figure whereb the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

(5) To create a monopoly in the making, manufacture, purchase, sale, or transportation of any merchandise, article, produce, or commodity.

(6) To make or enter into or execute or carry out any contract, obligation, or agreement of any kind or description, by which they shall bind or shall have bound themselves not to manufacture, sell, dispose of, or transport any article or commodity, or article or trade, use, merchandise, or consumption below a common standard figure, or 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, commodity, transportation between themselves or between themselves and others so as to preclude free and unrestricted competition among themselves and others in the sale or transportation of any such articles or commodity; or by which they shall agree to pool, combine, or unite in any interest they may have in connection with the sale or transportation of any such articles or commodity that its price may in any manner be affected.

(3) The Third Section provided that for each day that any organization may violate the law it would be regarded as a separate offense and action would be forthcoming accordingly. No action or discussion in reference to that ammendment occurred that day.[136]

On March 21st Senator Sherman moved that the Anti-Trust Bill be considered. The Committee's Bill was read in full.

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136. Cong. Record, 51 Cong. 1 Sess., p. 1772.

(3) The Third Section provided that for each day that any or-

ganization may violate the law it would be regarded as a se-

parate offense and action would be forthcoming accordingly.

No action or discussion in reference to that amendment oc-

curred that day.

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Bill be considered. The Committee's Bill was read in full.

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136. Cong. Record, 51 Cong. 1 Sess., p. 1272.

Mr. Reagan again presented his amendment and it was read in full.[137]

Presently Senator Sherman sent into an extended discourse concerning the Bill. The Bill in its existing form did not create any new principles of law. Each State had absolute power to control trusts within its borders. However, it had been conclusively proved that the acts of individual States could not control an evil which extended its influence to all parts of the country. The object of the Bill was to allow the Federal Government to act in so far as was needed to assist the States to clamp down on trust activities. It permitted the United States Courts to protect the interests of the people of the United States, as a whole, just as the individual States endeavored to protect their citizens against unfair exploitation. The First Section of the Bill would permit the Federal Courts to act, the same as the State Courts did in dealing with monopolistic combinations. The Second Section constituted the civil features of the Bill whereby all private parties would have the right to sue for any injuries suffered at the hands of trusts. Under the Third Sedtion criminal action might be instigated against individuals allied with such organizations. Unlike the first section it would be construed strictly and would be difficult to enforce.[138] He

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137. Cong. Record, 51 Cong, 1 Sess., p. 2455-56
138. Ibid., p. 2456.

concluded his remarks by stating that the proposed law was entirely within the constitutional rights of Congress to promulgate.[139] Also it would not affect farm or labor organizations nor would it interfere with legitimate business.[140]

At this juncture Senator J.J. Ingalls of Kansas submitted an amendment to replace the Committee Bill. It dealt entirely with the matter of gambling in the various types of agricultural products. Its purpose was to prevent the selling of options or futures in agricultural products. That business transaction was not to be declared illegal, but was to be surrounded with such regulations and special taxes as to make it quite unprofitable. For instance, before anyone or any organization could engage in the business of dealing in options they must make a written application to the district collector of revenue, pay a sum of $1,000, also deliver a bond amounting to $50,000, together with two or more satisfactory securities. The dealer would be given a certificate authorizing him to engage in business for a period of one year. Once each week a full report of all transactions during that period was to be made to the collector of customs.[141]

Senator Sherman asked that the Committee's Bill be read and considered. The Chair interrupted to give his

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139. Cong. Record, 51 Cong. 1 Sess., p. 2461.
140. Ibid., p. 2457.
141. Ibid., pp. 2462-63.

ruling on the propositions presented. He stated that the substitute reported by the Committee on Finance was the original Bill, and that Senator Reagan's amendment was one of the first degree while Senator Ingall's was one of the second degree.[142]

Senator G. G. Vest of Missouri turned to the original Bill with the statement that it attempted to derive its jurisdiction not from the character of the litigants, but from the matter under litigation. The Constitution, he said, treats the question as follows: "The judicial power of Congress shall extend to all cases, in law and equity, arising under this Constitution."[143] He continued by announcing that there are three distinct classes of jurisdiction; (1) under the Constitution, (2) under laws made in pursuance thereof, (3) under treaties made with foreign countries. Under this interpretation a corporation, whose members live in a single State, could not be brought into court by Federal officers. The bill to be effective in this respect would necessitate an amendment to the Constitution. The only alternative, he argued, would be through Federal control of trusts. Senator H. L. Dawes of Massachusetts asked what would prevent the American trusts from joining those of foreign origin and thus form world combinations.[144]

According to the legal opinion of Senator Frank Hiscock

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142. Cong. Record, 51 Cong. 1 Sess., p. 2463.
143. Ibid., pp. 2463-64.
144. Ibid., pp. 2464-66.

of New York the First Section took jurisdiction of goods belonging to an importer before they reached these shores and retained supervision after leaving his hands. The bill was supposed to be based upon the Congressional right to regulate transportation, but it did not confine itself to regulation while in transit. If construed literally Congress would control every industry in this country. Section Three would give Federal officers inquisitorial power over all industry.[145] He argued at length that since the States had full and ample power to handle the trust situation why must the Federal Government interfere in matters not concerning it?[146]

Senator Reagan went on to discuss his amendment and read Sections One and Two which he believed would function under the Constitutional clause giving Congress the right to regulate foreign and interstate commerce. Like Mr. Hiscock he believed the Committee's Bill was not Constitutional. Real relief could only follow close cooperation between the Federal and State Governments, because neither could handle the problem alone.[147]

The next speaker to appear was Senator W. B. Allison of Iowa. He strongly contradicted Mr. Vest's claim that the remedy could only be found by manipulating the tariff. While he admitted that formerly a few trusts existed due

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145. Cong. Record, 51 Cong. 1 Sess., p. 2467.
146. Ibid., p. 2469.
147. Ibid.,p. 2469.

to tariff protection yet he was convinced that the majority did not exist because of it. Such outstanding examples as the Standard Oil Company and the Whiskey Trust executed their business within the boundaries of the United States. The principle tariffs were on woolens, cotton, and leather; yet at that time no trusts existed within their ranks.[148]

The bill was held over for the next session of Congress.[149] On March 24th Senator Sherman again brought up the Anti-Trust Bill and Senator David Turpie of Indiana was next to offer his suggestions. He believed the Federal Government should step forward to assist the States in their problem. Under the transportation clause of the Constitution all commodities were under the jurisdiction of the Federal Government when in transit from one State to another. At all other times the States could maintain control of transit within their limits. With the two units of government cooperating jurisdiction might be in force continuously. He thought a mistake had been made by Senator Reagan in proposing to make his amendment a substitute measure. Senator Turpie advised its incorporation into the original bill believing that together they would cover the subject exceptionally well. It would not be a bad idea, he further stated, to also include the amendment

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148. Cong. Record, 51 Cong. 1 Sess., p. 2470.
149. Ibid., p. 2474.

of Senator George which would give the President power to regulate the tariff schedule in such a manner as to eliminate trusts built on protection. Senator Turpie was willing to support that feature.[150]

Senator J. L. Pugh of Alabama then submitted his views. On the whole he agreed with the previously presented arguments. He based his ideas as to the Constitutional right of Congress to act, on the fact that it legislated for the good of the public policy of the United States. Trusts acted against that policy "for the plain reason they hinder, interrupt, and impair the freedom and fairness of commerce with foreign nations and among the States"[151] Under the commerce clause of the Constitution Congress can determine that which is detrimental to that policy or well-being of the country and may legislate accordingly. If Congress acted on that assumption all cases could come under the jurisdiction of the Federal Courts no matter if all members of a corporation resided within a single State or were residents of a number of them.[152]

Attention was then turned to Senator Reagan's amendment, which was read. Senator George thought it was like the original bill in being unconstitutional.[153]

Senator H. M. Teller of Colorado repeated the argu-

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150. Cong. Record, 51 Cong. 1 Sess., pp. 2556-57.
151. Ibid., p. 2558.
152. Ibid., p. 2558.
153. Ibid., p. 2560.

ment against Senator Reagan's amendment concerning the fact that legitimate farm organizations would be prohibited. In his opinion such efforts were perfectly legitimate and in fact, he thought, helped to maintain prosperity. Senator George brought out the fact, once more, that the original bill had the same weakness. Senator Hiscock added that all labor forces must become, within the scope of the bill, illegal as well for they sought to increase wages which in turn would necessitate higher commodity prices. Senator Reagan defended his amendment by stating that it only concerned transactions with foreign nations and trade between the States and Territories.[154]

At that juncture Senator Sherman demanded that the bill introduced by him receive the attention due a bill reported by a Senate Committee, and should not be obscured and defeated through the offering of substitute measures. Further, he denied that the bill would interfere with the above mentioned types of organizations for it was designed to concern itself only with business organizations. Senator Sherman insisted that Senator Ingall's bill did not in any way concern the subject of trusts because it treated of gambling contracts. He felt that it had no place in the topic of immediate concern, but should be considered as a separate bill and should receive consideration in its proper turn.[155]

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154. Cong. Record, 51 Cong. 1 Sess., p. 2561.
155. Ibid., p. 2564.

Again Senator Hoar took the floor remarking that the original bill provided that "the Circuit Court of the United States shall have original jurisdiction of all suits of a civil nature at common law or in equity." He then proceeded to question Mr. Sherman in order to elucidate the meaning of the bill. His first question was: Could private citizens bring action in the courts against trusts?[156] Mr. Sherman answered affirmatively. Senator Hoar then went on to quote another passage from the bill as follows: "and the Attorney-General and the several attorneys are hereby directed, in the name of the United States, to commence and prosecute all such cases to final judgement and execution."[157] Next he asked whether or not under that provision any citizen could invoke the civil remedy, and the prosecutors be forced to prosecute?[158] Senator Sherman stated that his supposition was wrong, as Sections One and Two were entirely distinct and in no way open to coordinate action. Section One provided for prosecution by the Federal Attorneys not on behalf of any individual citizen, but in the name of the United States for a crime committed against that commonwealth. On the other hand Section Two provided a means whereby citizens of this country might obtain redress for injuries suffered at the hands

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156. Cong. Record, 51 Cong. 1 Sess., p. 2563.
157. Ibid., p. 2563.
158. Ibid., p. 2563.

of the trusts. In the latter case Federal Prosecutors were in no way concerned. Senator Hoar, however, remained unconvinced.[159]

The senator from Nevada, Mr. W. M. Steward, believed any legislative action would be ineffectual since organized capital was too strongly intrenched financially to be touched, while other organizations, such as those formed by the people for protection from the trusts, would be crushed out of existence. Thus placing the trust in a stronger position than ever. He continued by saying that relief could come only through counter-measures of the people by organization. Cooperative action by the vast numbers of citizens was the real solution to the problem.[160]

The next speaker was Senator H. W. Blair of New Hampshire. He referred to Senator Ingall's bill concerning "options and futures". The very fact that the law exacted a fee for the exercise of a lawless function gambling made that action legal in so much as the fee would become a license. Senator Ingalls pointed out Section Ten which specifically stated that such an act did not legalize that function. However, Senator Blair insisted that despite Section Ten of the Amendment to the bill the actual outcome would be legalization.[161]

Senator Hoar warned the Senate that hasty action usually

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159. Cong. Record, 51 Cong. 1. Sess., pp. 25-64.
160. Ibid., p. 2565.
161. Ibid., p. 2567.

must be repented later. He advised that great care should be taken despite the outcry for immediate action on the part of the people. He felt that there had better be no legislation than ineffectual action which would first give false hopes and ultimately result in violent reaction when it proved worthless.[162]

It was maintained by Senator Sherman that immediate action was essential as the trusts were growing in power every day. He stated that the bill was not perfect, but like the Interstate Commerce Act of 1887 could only be improved as the weaknesses appeared after it had been placed in operation. The States having utterly failed to meet the trust problem, he felt, that now the Federal Government was obliged to step into control.[163]

Once again Senator Hoar voiced his disappointment with the bill as it then appeared. He noted the several defects as; (1) It would not include a tenth of the existing trusts; (2) it did not contain the remedies Mr. Sherman believed it did; (3) it was not strong enough to meet the problem.[164]

At this time other business intervened in the debate, but the bill was again considered on the same day.[165] When it was brought up later Senator G. G. Vest of Missouri voiced his objections to the Committee Bill. He thought

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162. Cong. Record, 51 Cong. 1 Sess., p. 2568.
163. Ibid., p. 2569.
164. Ibid., p. 2570.
165. Ibid., p. 2570.

it would not accomplish the desired result for the following reasons: (1) It was not within Congressional rights as set down by the Constitution; (2) it was against the spirit and letter of the Judiciary Act of 1789; (3) it was "sound and fury signifying nothing."[166]

Senator Vest went on to suggest that Sections Five, Six, and Seven of the Bill written by Senator Richard Coke of Texas be read. The Chief Clerk proceeded to read it. Section Five would prevent any trust from transporting any product under its control from the state of its origin. Section Six sought to prevent any common carrier from accepting for shipment any product put under the above ban. Penalties for violation were provided for it which declared unlawful the delivery of any such products to a common carrier and authorized punishment involving a fine and imprisonment. Section Seven authorized the President to regulate the tariff in such a way as to prevent the formation of trusts based on protection. Senator Vest pointed out that the above regulations were more radical and would be far more effective than the Committee's Bill. Moreover, it was constitutional in every respect. Even if Sections Six and Seven were stricken out the remaining paragraph would contain adequate power to remedy the situation. The Federal Government could not be expected to control the matter entirely. There would be need of cooperation between it and the State Governments.

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166. Cong. Record, 51 Cong. 1 Sess., p. 2570.

For instance if a State were to declare a corporation unlawful then the Federal Government under the interstate commerce clause of the Constitution would be obliged to step in and prohibit any commodity of that organization from leaving the locality of its origin and entering interstate trade. Such action would be effective in eradication of the trust evil.[167]

The discussion at this time reverted to the original bill. Senator Hiscock stated that Section Two, which permitted citizens to collect damages from trusts, would not operate as expected for no citizen could afford the process of a court fight against a powerful corporation. The damages suffered by a single individual, in most cases, would not warrant such an expenditure, even if the money was available. The Committee's Bill would afford no remedy even if it should be declared constitutional. Senator H. M. Teller of Colorado agreed with Senator Hiscock. He thought it was impossible for Congress to meet the problem, but the states could, for they created corporations and could set down rules governing their operation. He believed it advisable that the bill be referred to the Committee on the Judiciary to see what they could do with it. The bill was therefore held over.[168]

When the bill was again considered on March 25th,

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167. Cong. Record, 51 Cong. 1 Sess., pp. 2570-71.
168. Ibid., pp. 2571-72.

Senator Ingall's amendment was next given consideration, not however, as a substitute but as an addition to the original bill. Before any action could be taken a proviso was suggested by Senator Hoar. to follow Section Two, and to read: "Provided, That this act shall not apply to contracts for the delivery at any one time of articles less than $50 in value."[176] This was agreed to and Mr. Ingall's amendment was now agreed to in its entirety.[177]

The Senator from Texas Mr. Richard Coke, was next to introduce an amendment of considerable length which included: (1) A definition of a trust similar to those in other amendments already mentioned; (2) a declaration that the formation of a trust was against the public policy of the United States and therefore was unlawful; (3) a provision for a fine not less than $500 and not more than $10,000; (4) a statement that any contract made by a trust would be illegal; (5) any company declared by a state to be a trust would be prohibited the right to transport any of its products outside of the state of origin; (6) any common carrier which accepted for transportation any commodity produced by an organization declared to be a trust would be subject to certain penalties; (7) the President was authorized to suspend the operation of a tariff regulation on any product similar to that produced by any combination declared to be a trust and to maintain that suspension until such time as he may deem it proper to

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176. Cong. Record, 51 Cong. 1 Sess., p. 2613.
177. Ibid., p. 2613.

revoke his order; (8) "that all laws and parts of laws inconsistent with the provisions of this act be, and the same time are hereby repealed".[178]

Senator Sherman moved that it be laid on the table for it was inconsistent with the bill as already acted upon. Senator Coke resisted this action. It was intended as a substitute and was superior to the original bill, he thought, in that it was constitutional and offered a means of cooperating with the States. He moved that the original bill with its amendments only excepting those of Senator Ingall, be striken out and his amendment be substituted. Senator Sherman again moved that it be laid on the table. A vote was taken on this last motion with the following results; yeas 26, nays 16.[179]

An amendment offered by Senator J. S. Spooner of Wisconsin was then read by the Chief Clerk. It was to be inserted in Section One, line twenty-six, after the word "execution" - to read as follows:

> ...and whenever in any action commenced under the provisions of this act in the name of the United States any arrangement, trust, or combination herein declared void is found by any such court to exist, the court may in addition to other remedies, issue its writ of injunction, temporary of final, running and to be served anywhere within the jurisdiction of the United States, prohibiting and restraining the defendants or any thereof, or their or any of their servants, agents, or attorneys, from proceeding further in the business of said arrangement, trust, or combination, except to wind up its affairs; and in case of any disobedience of any such writ of injunction to other proper process, mandatory or otherwise, issued in any such cause, it shall be lawful for said court to issue

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178. Cong. Recore, 51 Cong. 1 Sess., pp. 2613-14.
179. Ibid., pp. 2614-15.

> writs of attachment, running and to be served anywhere within the United States, against the defendants or any thereof, and against their or any of their agents, attorneys, or servants of whatever name or office, disobeying said injunction or other process; and the court may, if it shall think fit, in addition to fine and imprisonment for contempt, make an order directing any such defendants disobeying such writ of injunction or other process to pay such sum of money, not exceeding $1,000, for every day after a date to be named in such order that such defendant or defendants or their or any of their agents, attorneys, or servants as aforesaid shall refuse or neglect to obey such injunction or other process; and such money shall be paid into court and may be paid in whole or in part to the party or parties upon whose complaint said action was instituted, or into the Treasury of the United States, as the court shall direct. And any action brought by the United States under the provisions of this act the Attorney-General may bring the action in any district in which anyone of the parties defendant resides or transacts business, and any other parties, corporate or otherwise, may, regardless of residence or location of business, be brought into court in said action, in the manner provided by section 738 of the Revised Statutes, and the court shall thereupon have jurisdiction of the defendant or defendants so brought in, as fully to all intents and purposes as if they had appeared in said action.[180]

Senator Spooner then stated that his amendment had three advantages, namely: (1) The Federal Court would have jurisdiction over cases irrespective of where the interested parties lived or transacted business; (2) it would provide for a vigorous and drastic use of the writ of injunction anywhere in the United States; (3) it would be possible to reach domestic trusts.[181] After some discussion the amendment was

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180. Cong. Record, 51 Cong. 1 Sess., p. 2640.
181. Ibid., pp. 2640-41.

agreed to.[182]

At this point Senator Ingalls offered an amendment to the amendment as agreed to. In line nine, Section Seven, after word "owner" insert, "or producer, or the lawful agent of such owner or producer." Also he suggested the following words to be inserted after the word "value", in the proviso submitted by Senator Hoar, "nor to bona fide contracts for the actual delivery of the property contracted for".[183] Both suggestions were agreed to.

The following proviso was suggested by Senator N. W. Aldrich of Rhode Island, and was to be added to Section One of the original bill. As no argument resulted it was speedily agreed to:

> 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 necessaries of life, nor to the combinations or associations made with a view or which tend to increase the earnings of persons engaged in any useful employment.[184]

Next Senator M. C. Butler of South Carolina submitted the following amendment to be added after the word"products", in line four of Section Eight, "and also stocks and bonds".[185] This amendment was likewise agreed to.

Minor amendments came thick and fast, some were agreed to while others were not. Not any of them changed the mean-

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182. Cong. Record, 51 Cong. 1 Sess., p. 2652.
183. Ibid., p. 2654.
184. Ibid., pp. 2654-55.
185. Ibid., p. 2655.

ing or import of the bill. In fact amending reached such a ridiculous stage that it appeared to be an attempt to submerge the bill. Senator A. P. Gorman of Maryland stated the addition of such amendments would make the bill "worse than a sham and a delusion", and further moved that the bill be referred to the Committee on the Judiciary with an order to report it within twenty days.[186] By this time Senator Sherman was thoroughly disgusted, and said no matter how long it took or how difficult the road, he was going to see that the bill received fair treatment. Further, he reiterated his former statement that Senator Ingall's amendment was beside the point and should be considered in a separate bill.[187]

The Senator from Iowa, Mr. J. F. Wilson, suggested that another proviso be added to Section One, to read as follows:

> 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.[188]

It was agreed to.[189]

At that juncture Senator J. R. Hawley of Connecticut moved that the bill be referred to the Committee on the Judiciary. Senator S. M. Cullom of Illinois believed that such a move would strangle the bill, and suggested it be referred to the Committee on Finance again. He went on to

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186. Cong. Record, 51 Cong. 1 Sess., p. 2656.
187. Ibid., p. 2656.
188. Ibid., p. 2658.
189. Ibid., p. 2661.

state that every conceivable subject had been dragged in and attached to the trust bill. On the other hand Senator Sherman could see no reason for delaying a show down by returning it to the Committee on Finance. Senator Hawley's motion was defeated by a vote of 24 yeas against 29 nays.[190]

Again Senator Vest submitted an amendment to change Section Nine, line five, by striking out the word "one" and inserting "ten".[191] It too was accepted. The Senate then adjourned.[192]

The bill came up once more, on March 27th, with a consideration of the many changes which had no effect on the basic meaning of the bill. The argument ceased when Senator E. C. Waltham of Mississippi moved that the bill be referred to the Committee on the Judiciary to be reported within twenty days. Obviously it was getting nowhere in the Senate acting as a Committee of the Whole, This time the vote was yeas 31, nays 23.[193]

It was April 2nd when Senator G. F. Edmunds of Vermont reported the bill from the Committee on the Judiciary. It was recommended that all be stricken out of the original bill and after the enacting clause the following be substituted instead, namely:

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190. Cong. Record, 51 Cong. 1 Sess., p. 2661.
191. Ibid., p. 2661.
192. Ibid., p. 2662.
193. Ibid., p. 2729.

Sec. 1. Every contract, combination in the form of a trust or otherwise, or conspiracy in restraint of trade of 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 $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discreation 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 $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discreation of the court.

Sec. 3. Every contract, combination in the 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 $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discreation of the court.

Sec. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain in violations of the 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 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 proceedings under section 4 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 subpoinas to that end be served to any district by the marshall thereof.

Sec. 6. Any property owned under any contract or by any combination or pursuant to any comspiracy (and being the subject thereof) mentioned in section 1 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 forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

Sec. 7. Any person injured in his business or property by any other person or corporation by reason of anything forbidden or declared bo be unlawful by this act may sue therefore in any circuit court of the United States in the district in which the defendent resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of the 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 the either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

Senator Edmunds asked that the above bill be considered as soon as possible.[194]

On April 8th Senator Hoar brought up the Judiciary Bill for consideration. It was read in full. Senator Sherman

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194. Cong. Record, 51 Cong. 1 Sess., p. 2901.

arose to remark that he was perfectly willing to vote for that bill.[195] According to Senator George that bill did not include all manner of trusts and would prove a disappointment to the people. At that stage of the discussion, Senator G. F. Edmunds of Vermont, a member of the Committee of the Judiciary, interrupted to state that in his opinion the bill should be of a general nature clearly within the Constitution. Its progress in the courts should then be closely watched and the weak points corrected as they appeared. It was an utter impossibility to construct a perfect bill in the initial attempt. Such an endeavor would only lead to so much confusion that the bill would be worthless.[196]

Amendments were offered by Senators George and Reagan. However, Senator J. T. Morgan of Alabama and Senator M. C. Butler of South Carolina believed the bill should be passed as it then stood. The amendments were consequently rejected.[197]

A vote was ordered on the bill and it was passed by yeas, 52 against nays, 1. At the same time the title was amended to read: "A bill to protect trade and commerce against unlawful restraints and monopolies."[198]

On April 11th the Senate Trust Bill was referred to the House Committee on the Judiciary.[199] Mr. Culberson of Texas reported on April 25th the Bill to the House from the above

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195. Cong. Record, 51 Cong. 1 Sess., p. 3145.
196. Ibid., pp. 3147-48.
197. Ibid., p. 3151.
198. Ibid., p. 3153.
199. Ibid., p. 3326.

Committee and it was placed on the House Calendar.[200]

It was brought up for consideration in the House on May 1st. The bill was read in full. At once criticisms were heard from various members of the House who desired to append to it numerous amendments. It looked very much as though the confusion in the Senate was to be repeated in the House. Mr. R. P. Bland of Missouri remarked that the bill was "not worth a copper in its present shape without amendments and we want an opportunity to make something of it".[201]

To go into the various arguments pursued in the House would be to repeat the arguments as presented in the Senate. The Constitutionality of the bill, the tariff aspects of it, and the inadequacy of the measure all received thorough consideration. The final effect produced was an opinion that the bill, although not perfect, was at least a beginning in the right direction, and that it should be left for the courts to determine its weak points, which it was hoped would be corrected as they appeared. The only amendment adopted was that of Mr. R. P. Bland,[202] which was to be added to Section Eight and read as follows:

> Every contract or agreement entered into for the purpose of preventing competition in the sale or purchase of any commodity transported from one State or Territory to be sold in another, or so contracted to be sold, or for the transportation of persons or property from

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200. Cong. Record, 51 Cong. 1 Sess., p. 3857.
201. Ibid., pp. 4088-89.
202. Ibid., p. 4104.

> one State or Territory into another, shall be deemed unlawful within the meaning of this act:
>
> Provided, That the contracts here enumerated shall not be construed to exclude any other contract or agreement declared unlawful in this act.[203]

The main object of this amendment was the elimination of the Beef Trust.[204] The bill as amended was passed by the House.[205]

The House then returned the bill to the Senate on May 2nd, where Senator Vest moved that the bill with the House Amendment be referred to the Committee on the Judiciary. His wishes were carried out.[206]

The bill was under the consideration of that Committee until May 14th, when Senator Hoar reported it out by recommending that the Senate concur with the House Amendment and that a conference be requested. Moreover, he then presented an amendment to the House Amendment. It was read by the Chief Clerk to the Senate as phrased: "In line one after the word 'preventing' strike out all down to and including the word 'prevent', as follows; Competition in the sale or purchase of any commodity transported from one State or Territory to be sold in another, or so contracted to be sold, or to prevent." It was recommended that the Proviso be eliminated. On the insistant demand of Senator Coke for more time to consider the House Amendment the bill was laid over and the Amendment printed.[207]

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203. Cong. Record, 51 Cong. 1 Sess., p. 4099.
204. Ibid., p. 4099.
205. Ibid., p. 4104.
206. Ibid., pp. 4123-24.
207. Ibid., p. 4560.

Senator Hoar called up the bill, once more, on May 13th and moved that it be recommitted to the Committee on the Judiciary.[208] The motion was agreed to.

On May 17th the trust bill with its amendments was again laid before the House with the notification that the Senate had concurred in the amendment of the House with amendments and desired a conference. Mr. E. B. Taylor moved that the House refuse to concur with the Senate amendments and that it agree to a conference. His motion passed.[209]

The Speaker of the House, on May 21, appointed Mr. E. B. Taylor of Ohio, Mr. J. W. Stewart of Vermont and Mr. R. P. Bland of Missouri to confer on the bill.[210]

The House Conference Committee submitted its report June 11th. It read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill of the Senate S. 1, ...having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House of Representatives recede from its desagreement to the amendments of the Senate and agree to the same modified to read as follows, in lieu of the whole House amendment:
>
> Sec. 2. Every contract or agreement entered into for the purpose of preventing competition in the transportation of persons or property from one State or Territory into another so that the rates of such transportation may be raised above the meaning of this act, and nothing in this act shall be deemed or held to impair the powers of the several States in respect of any of the matters in this act mentioned.

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208. Cong. Record, 51 Cong. 1 Sess., pp. 2568-66.
209. Ibid., p. 4837.
210. Ibid., p. 4837.

208. Cong. Record, 61 Cong., 1 sess., pp. 5658-65.
209. Ibid., p. 4827.
210. Ibid., p. 4827.

And the Senate agreed to same.

E. B. Taylor,
J. W. Stewart,
Managers on the part of the House.

George F. Edmunds,
George F. Hoar, [211]
Managers on the part of the Senate.

It was at this stage that Mr. Bland made known his desire to submit a minority report and time for further conference. The Speaker replied that a minority report could not be submitted, and the question before the House was the adoption of the Conference Report. As the Report was deemed of great importance a discussion ensued covering substantially the same ground as before and no definite conclusions resulted that day.[212]

On June 12th the matter was again presented to the House by the Speaker. A vote was taken with the following results; yeas 25, nays 54. Mr. Stewart moved that the House recede from its original amendment, and further another conference be held, and the House Conferees be instructed to that effect.[213] Both motions were agreed to.[214]

Two days later the Speaker of the House reappointed the three men who formerly acted as House Conferees. However, Mr. Bland requested that he be relieved from the appointment and Mr. D. B. Culberson of Texas took his place.[215]

The Vice-President laid before the Senate, on June 16th, the statement of the House of Representatives. Sen-

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211. Cong. Record, 51 Cong. 1 Sess., p. 5950.
212. Ibid., pp. 5950-61.
213. Ibid., p. 5981.
214. Ibid., p. 5683.
215. Ibid., p. 6099.

ator Edmunds then moved that the Senate agree to a further conference.[216] The motion was passed, and Senators Edmunds, Hoar and Vest were again appointed as Senate Conferees.[217]

On June 18th Senator Edmunds submitted a report from the Committee of Conference which recommended that both Houses recede from their respective amendments and the report was concurred in.[218]

A similar report was submitted to the House on June 20th by Mr. Stewart[219] and was likewise agreed to by a vote of 242 to 0.[220]

The bill was signed by the speaker of the House on June 23rd[221] and the next day the Vice-President signed it on behalf of the Senate.[222]

On July 2nd, Mr. O. L. Pruden, a secretary to the President, announced that the bill had been approved by and signed by the President of the United States, on June 26, 1890.[223]

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216. Cong. Record, 51 Cong. 1 Sess., p. 5983.
217. Ibid., p. 6117.
218. Ibid., p. 6108.
219. Ibid., p. 6312.
220. Ibid., p. 6314.
221. Ibid., p. 6410.
222. Ibid., p. 6425.
223. Ibid., p. 6922.

V

The passage of the Interstate Commerce Act in 1887 and the enactment of the Sherman Anti-Trust Act three years later, marked the departure by the Federal government from the long-lived policy of laissez-faire, and the inception of a program for a degree of public control over our economic activities. By the late decades of the nineteenth century abuses and maladjustments resulting from our rapidly developing industrialism were appearing. These situations in American society in time awakened the public conscience to the fact that all was not well with our economic and social structure. While a large part of the American public might have agreed in 1869 with the American economist, Edward Atkinson, that "the natural law of free exchange and competition evolves high wages low prices, large products, a lessened margin of profit on each unit of production", and even approved of it as "the law of progress"; yet between the years of 1869 and 1890 the rapidly changing systems of production and transportation had brought a considerable part of the public to the realization, that the previously proclaimed advantages under a laissez-faire policy were not being gained by the general public but rather by the privileged few.

The passage of the Sherman Anti-Trust Act of 1890 was the culmination of a series of steps taken by various governmental units in the United States for regulating and con-

trolling the development of business combinations that proved by experience to be harmful in purpose and effect to the best interests of the public. The state governments found limitations on the effectiveness of their regulatory measures over combinations. It soon became apparent that effective control over unfair monopolistic trusts could come only through the cooperation of both national and state governments. It was with the passage of the Sherman Act that Congress took a step in the direction of that objective.

In this study of the legislative history of the Sherman Anti-Trust Act it is possible to draw a few deductions or conclusions which may add to a better understanding of this landmark of American trust legislation. The points to be made are herewith presented in question form and are as follows:

(1) Did the Sherman Bill result from some serious situation or development in combination practices, or was it the cumulative effect of unsatisfactory experiences in meeting the problems growing out of the combination movement?

It has been noted that after the Civil War the factors conducive to large scale business enterprise were present under the most favorable circumstances. Rivalry between competitive business units soon encouraged unfair methods with one another. Ruinous competition resulting in lessen-

ed profits or even bankruptcy necessarily led these competitive units to form combinations. Either because of the instability of the type of combine evolved, or because of legal snags encountered, experience taught business enterprise the means of designing the type of organization most convenient and profitable for its purposes. In evolving and applying these several means of business combinations the general public as well as the would-be competitor found practices or effects produced not wholly desirable. The interstate business of these large organizations soon made state legislation wholly inadequate in meeting the evil practices and dire consequences produced by them. As in the case of transportation control the Federal government realized in time the need of its departure from its traditional position. It may be concluded that no significant or alarming situation arose in 1890 to work for the Sherman Bill, but rather an experience of some years relative to trusts had the cumulative effect of overcoming a characteristic inertia regarding such matters in Congress which public sentiment would no longer harbor. Both politicians and industrialists were aware of this sentiment by 1890.

(2) How far was the legislation a direct result of the failure of common law practice and state anti-trust statutes in meeting the problem?

The very character of our governmental organization, a federation, shortly determined the incapacity of the

individual state government in meeting the problem. Unfair practices and methods of a combination resorted to outside the boundaries of the state of its incorporation was bound to raise the same questions which arose regarding the scope of state regulation over railways after the Supreme Court decision in the Wabash R. R. vs. Illinois, 1886. While there was a considerable opposition to the continued centralization of powers into the hands of the Federal Government, yet even this opposition agreed that the state governments were unequal to the task of controlling the combination movement either through common law practice or by statutory measures. Senator J. K. Jones of Arkansas one of the most outspoken opponents of centralization was willing to yield to it on this issue. Senator John Sherman of Ohio by 1888 felt the absolute necessity of a national act if the problem was to be met at all.

The limitations of common law rulings were obvious. Such rulings could only be applied if a disagreement occured among the members of a trust and the case was voluntarily brought into court for settlement.

(3) How large a part did public opinion play in creating a sentiment in Congress favorable for the consideration of such legislation?

It is always difficult, as well as exceedingly dangerous, in attempting to fathom the depth of public opinion in Congress on a given issue. In 1890 there were many important

national issues before Congress to be shaped into legislative measures. The silver, tariff and trust issues were the matters of vital concern. There surely was some opportunity for "log-rolling" among senators and representatives. However, there had appeared and continued to appear numerous bitter indictments against combinations in current periodicals of the latter part of the nineteenth century. How far this opinion affected the thinking of Congress it is hard to conclude. The most direct and emphatic means of public wish on this subject came in the way of numerous petitions to Congress. There can be little doubt in believing, that these memorials had the stimulating effect of pressing Congress to action which resulted in the presentation of thirty-eight bills within a relatively short period of time.

(4) What disposition did political parties and political leaders take for or against the initiation and support of a national anti-trust law by 1890?

Within the two major parties, Republican and Democratic, no definite alignment either for or against a trust regulation program is discernable in the materials studied in the writing of this thesis. A safe inference to draw of a partizan's viewpoint on this subject is that it was probably determined by the sectional attitudes of his locality or by his economic interests. It is in the third party movements of this period of American history that the complete program for trust regulation is more definitely expressed. The third parties such as the Greenback party, Union Labor party Anti-Monopoly

party, and Prohibition party were earliest in inserting trust regulation planks into their platforms, while the Democratic party introduced a moderate plank into the platform of 1884, yet by 1888 it had decided on a more pronounced statement of it. The Republican party was particularly evasive of the issue until the Election of 1888, when it likewise mildly proclaimed for a program of regulation. The act was hastily passed at a time of popular discontent. It is evident from the remark of Orville Platt of Connecticut that it was not so much to limit trusts as to tide the Republicans over the next election.

It is nothing short of a surprise in learning of the moderate expressions of the chief political leaders of both major parties both in and out of Congress during the pending Sherman Bill. In spite of the fact that a large number of them still wore the garments of laissez-faire principles, nevertheless, little of outspoken objection to the Sherman Bill was voiced by a major political leader of either party. To many it is possible that at that moment "silence was golden". "Czar" Thomas B. Reed, Speaker of the House, was an exception. While trust legislation was before Congress he made the following remark: "As for the great new chimera, trust, with tongue of lambent flame and eye of forked fire, serpent-headed and griffin-clawed, why be alarmed?"[224] In learning of a remark purporting that a dozen men could fix prices for sixty million people, Reed exclaim-

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224. W. A. Robinson, "Thomas B. Reed" , p. 172.

ed: "They can never do it. There is no power on earth that can raise the price of any necessity of life above a just price and keep it there. More than that, if the price is raised and maintained for even a short while, it means ruin for the combination and still lower prices for consumers. Compared with one of your laws of Congress, it is a Leviathan to a clam".[225] Reed had no enthusiasm for regulatory action of the government.

By 1888 with major and minor parties supporting anti-trust legislative programmas it is only natural to assume that a measure could not be drafted which would meet with the complete approval of all parties or all political leaders.

(5) What characterized the attitude of the Senate and the House toward the proposed legislation? Was it favorable, indifferent, or unfavorable?

Both the House and Senate were most favorably inclined toward the passage of anti-trust legislation between the years of 1888-1890. The only difficulty encountered in either chamber was the intricacies of the question itself. The serious aim of both groups of legislators in their desire to construct a fool-proof bill is most commendable. It was not long before they realized their objective as impossible. Because of the subtleties brought out in the de-

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225. W. A. Robinson, "Thomas B. Reed" pp. 172-73.

bates and the confusion resulting therefrom, it appeared to many in Congress that the bill would be destroyed by its keenest advocates. Its salvation came when it was referred to the Committee on the Judiciary which took the original bill with its many confusing amendments and constructed a measure that was acceptable but far from being adequate.

The willingness of the House of Representatives to await the introduction of the Senate Bill (Sherman Bill), although thirty-four similar bills had been introduced in the House and were withheld by Committees' action, speaks highly of the cooperation of the two chambers on this problem. Likewise, it is significant to take notice of the considerate attention given to the Senate Bill in the House and its acceptance after a minimum of debate and amendment.

(6) In the passage of the Sherman Anti-Trust Act were there any indications that it was a partizan measure?

An analysis of the votes in the Senate clearly indicates that it was non-partizan in character. In fact there was only one disagreeing vote cast by those present, namely; Senator Rufus Blodgett of New Jersey, a Democrat. There may have been some significance in his negative vote in that he was engaged in railroads and banking. Prominent Democratic Senators, who voted for the measure and who had a large part in deciding the nature of the bill, were Richard Coke of Texas, J. H. Reagan of Texas, David Turpie of Indiana, and G. G. Vest of Missouri. There were equally prominent Re-

publican Senators who followed the same course, namely: W. B. Allison of Iowa, J. J. Ingalls of Kansas, G. F. Hoar of Massachusetts, O. H. Platt of Connecticut, S. M. Cullom of Illinois, and the sponsor of the bill, John Sherman of Ohio. Since the Sherman Act to all purposes was constructed in the Senate there is little need to turn to the House vote for an anlysis of its character.

(7) As the proposed bill passed through Congress what were the chief objections to it in the Senate: In the House? What were the features of the amendments? What characterized the debates?

Since the bill had its introduction in the Senate it therefore met its chief objections and criticisms there. The criticisms and objections were numerous but can be grouped around the several questions herewith presented, namely: (a) Could Congress constitutionally propose and pass legislation relative to combinations? (b) Was the measure to cover all combinations including those of farmer's and labor organizations? To meet this query Sherman sent a proviso to the Committee on Judiciary excluding them from the scope of the measure, but it was not included in the final draft of the act because most Senators felt it unnecessary. (c) Would such a measure include organiaations formed outside of this country but operating within its boundaries? (d) Would not the criminal feature of the bill compel the court to favor the accused as is the custom

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in criminal law? On the other hand, a civil law can be either liberally or strictly interpreted according to the discretion of the court and nature of the case being considered.

In the House similar objections and criticisms were raised, but this chamber realizing that the bill would be indefinitely delayed caused the debate to be limited. The House, however, remained persistent in its demand for the Bland amendment until it realized the Senate's unwillingness to yield to it.

Most amendments were forthcoming from the Senate. While the amendments were numerous they were largely minor in importance. Many of them simply called for a change in word or phrase with the purpose of clarifying possible misinterpretation of its real intent. However, Senators Reagan, Ingalls and Coke offered substitute bills which were much debated, but which did not replace the original bill introduced by Senator Sherman.

The debate at times waxed warm and at times quite bitter. It indicated the impossible task before Congress in drafting a law that would meet with common favor. Congress had little or no experience with this type of legislation.

(8) Were the legislators aware of the weaknesses of the bill as it was considered? Did they anticipate the need of court construction in order to make the bill really effective? Did they fully realize that the bill would call for fut-

ure revision?

Most of the Senators who had a large part in framing the measure were aware of its deficiencies. Senators John Sherman and G. F. Edmunds made pertinent statements that they considered the bill far from perfection in its construction. It was generally agreed that there were many weaknesses and that without a doubt many more would appear after the measure became effective, but they all were of the opinion that it was the best bill that could be drawn up under the circumstances. They agreed it would be the duty of the courts to interpret the provisions of the Act; it would be the responsibility of the federal law officers for its enforcement; and it would be the future obligation of Congress to rectify the weaknesses of the measure as time revealed them.

(9) Who was the author of the Sherman Anti-Trust Act?

In a number of important instences in our history the real author of important legislation or public policy has not been revealed, so that the act or policy masquerades under the name of another. Would it not be nearer to the truth in calling the Monroe Doctrine the policy largely moulded by John Quincy Adams? Or would it not be giving credit where credit is due if we called the recently abrogated (1934) Platt Amendment the Root Amendment? Or to designate the Pendleton Civil Service Act of 1883 the Eaton Act?

Likewise the Sherman Anti-Trust Act was not the brainchild of John Sherman alone. After a careful study of the

legislative history of this act it is possible to discern several men who had a large part in its making. John Sherman after whom the bill was named was not its author, nor can it be called the work of Senator Hoar of Massachusetts who liked to claim its authorship. Its real author was the Senate Committee on the Judiciary. Of its membership Senator G. F. Edmunds of Vermont, its chairman, wrote most of the act. His contribution is to be found in Sections 1, 2, 3, 5, and 6. Senator J. Z. George of Mississippi wrote Section 4, while Section 7 was the work of Senator G. F. Hoar of Massachusetts. To Senator J. J. Ingalls must be given the credit for Section 8.

While the conclusions of this essay must terminate with the formal signatures of the respective presiding officers of Senate and House, and that of the President of the United States, yet it may not be stretching too far ahead in stating that the Presidents from Benjamin Harrison to William McKinley were strangely inattentive to the presence of the Sherman Anti-Trust Act. In reading the Messages of these Presidents to Congress covering a period of eleven years, 1890-1901, one will note that Harrison did not make a single reference to this law; Cleveland did not mention it until he sent his final message to Congress in December, 1896; while McKinley in office during a period which coincided with the enormous business development was passive in his attitude throughout the greater part of his administration. It was not until the

states proved their inability to regulate the trust problem that McKinley in his messages to Congress in December of 1899 and 1900 advocated an extension of the provisions of the Sherman Act in order to meet them.[226]

226. J. D. Richardson (Editor), "A Compilation of the Messages and Papers of the Presidents", Vol. LX.

APPENDIX A

Petitions and Memorials Presented to Congress

FARMERS' ALLIANCES

Date	Presented by	Where	Name	Referred
January 28, 1889	F. M. Cockrell	Senate	Tiff City Alliance No. 190 Missouri	Ordered laid on table [1]
February 5, 1890	E. N. Morrill	House	Home Valley Alliance Levenworth County Kansas	Committee on Agriculture [2]
March 8, 1890	E. H. Funston	House	Wabaunsee County Alliance, Kansas	Committee on Commerce [3]
March 15, 1890	E. H. Funston	House	Pleasant Ridge Alliance, No. 570 Cadmus, Kansas	Committee on Banking and Currency [4]

1. Cong., Record, 50 Cong. 2 Sess., p. 1234.
2. Cong., Record, 51 Cong. 1 Sess., p. 1077.
3. Ibid., p. 2064.
4. Ibid., p. 2283.

FARMERS' ALLIANCES

Date	Presented by	Where	Name	Referred
April 1, 1890	H. Kelly	House	Reading Alliance Kansas	Committee on Banking and Currency [5]
June 11, 1890	D. Turpie	Senate	Union Grove alliance, No. 17 Whitley County Indiana	Committee on Finance [6]
June 18, 1890	E. V. Brookshire	House	Wilson Lodge, No. 3977, Vermillion County Indiana	Committee on Agriculture [7]

5. Cong., Record, 51 Cong. 1 Sess., p. 1077
6. Ibid., p. 6183.
7. Ibid., p. 6239.

STATE LEGISLATURES

Date	Presented by	Where	Name	Referred
January 28, 1889	B. W. Perkins	House	Kansas	Committee on Manufactures [1]
January 28, 1889	S. R. Peters	House	Kansas	Committee on Manufactures [2]
January 28, 1889	P. B. Plumb	Senate	Kansas	Laid on the table [3]
February 5, 1889	E. N. Morrill	House	Kansas	Committee on Ways and Means [4]
February 6, 1889	J. A. Anderson	House	Kansas	Committee on Ways and Means [5]
January 16, 1890	P. G. Lester	House	Virginia	Committee on Ways and Means [6]
January 20, 1890	G. D. Wise	House	Virginia	Committee on Public Lands [7]
January 20, 1890	C. T. O'Ferrall	House	Virginia	Committee on Ways and Means [8]
February 3, 1890	T. H. B. Browne	House	Virginia	Committee on the Judiciary [9]

1. Cong.,Record, 50 Cong. 2 Sess., p. 1253.
2. Ibid., p. 1273.
3. Ibid., p. 1334.
4. Ibid., p. 1500.
5. Ibid., p. 1589.
6. Cong., Record, 51 Cong. 1 Sess., p. 653.
7. Ibid., p. 707.
8. Ibid., p. 727.
9. Ibid., p. 1044.

FARMERS' AND LABORERS' UNION

Date	Presented by	Where	Name	Referred
January 23, 1890	J. A. Anderson	House	Summit Union No. 321 Kansas	Committee on Foreign Affairs [1]
March 22, 1890	P. B. Plumb	Senate	Saline County Union. Kansas	Committee on Finance [2]
June 2, 1890	B. A. Enloe	House	Hamblen County Union, Tennessee	Committee on the Jucicary [3]

1. Cong., Record, 51 Cong. 1 Sess. p. 822.
2. Ibid., p. 2516.
3. Ibid., p. 5514.

CITIZENS

Date	Presented by	Where	Name	Referred
March 17, 1888	G. A. Anderson	House	43 Citizens, Quincey, Illinois	Committee on Manufactures [1]
February 5, 1890	E. N. Morrill	House	A. P. Eggleston and 18 others, Ackerland, Kansas	Committee on Manufactures [2]
February 6, 1890	E. N. Morrill	House	N. B. Hitchcock and 30 others, Perry, Kansas	Committee on Manufactures [3]
February 14, 1890	E. N. Morrill	House	150 Citizens, Wetmore, Kansas	Committee on Manufactures [4]
February 27, 1890	W. F. Parrett	House	B. B. Spadley and 25 others, Warrick County, Indiana	Committee on Coinage Weights and Measures [5]

1. Cong. Record, 50 Cong. 1 Sess., p. 2199.
2. Cong. Record, 51 Cong. 1 Sess., p. 1077.
3. Ibid., p. 1133.
4. Ibid., p. 1308.
5. Ibid., p. 1791.

PATRONS OF HUSBANDRY

Date	Presented by	Where	Name	Referred
January 4, 1889	V. H. Reagan	Senate	Romona Grange Navarro City, Texas	Committee on Judiciary [1]
February 14, 1890	P. B. Plumb	Senate	Grange, No. 833 Cedar Junction, Kansas	Committee on Finance
February 17, 1890	P. B. Plumb	Senate	Gardner Grange, No. 68, Kansas	Committee on Finance [2]
February 18, 1890	J. J. Ingalls	Senate	Vinland Grange, No. 163, Kansas	Committee on Finance
February 18, 1890	J. J. Ingalls	Senate	Wea Grange No. 445, Kansas	Committee on Finance [3]
February 19, 1890	J. J. Ingalls	Senate	Olathe Grange, No. 118, Kansas	Laid on the table
February 19, 1890	J. J. Ingalls	Senate	Grange No. 68, Gardner, Kansas	Laid on the table [4]

1. Cong., Record, 51 Cong. 1 Sess., p. 1309.
2. Ibid., p. 1377.
3. Ibid., p. 1433.
4. Ibid., p, 1471.

PATRONS OF HUSBANDRY

Date	Presented by	Where	Name	Referred
February 19, 1890	P. B. Plumb	Senate	Olathe Grange, No. 118, Kansas	Committee on Finance [5]
February 24, 1890	W. B. Allison	Senate	Algona Grange, No. 1684, Iowa	Committee on Finance [6]
February 25, 1890	J. J. Ingalls	Senate	Olathe Grange, No. 278, Kansas	Committee on Finance [7]
March 11, 1890	P. B. Plumb	Senate	Edgerton Grange No. 435, Kansas	Committee on Finance [8]
April 16, 1890	C. A. Bergen	House	Swedesborough Grange, New Jersey	Committee on Ways and Means [9]
April 26, 1890	A. S. Paddock	Senate	National Grange, Washington, D. C.	Committee on Finance [10]
May 19, 1890	H. Kelley	House	Capital Grange, No. 16, Topeka, Kansas	Committee on Agriculture [11]

5. Cong., Record, 51 Cong. 1 Sess., p. 1309.
6. Ibid., p. 1644.
7. Ibid., p. 1670.
8. Ibid., p. 2110.
9. Ibid., p. 3454.
10. Ibid., p. 3860.
11. Ibid., p. 4949.

FARMERS MUTUAL BENEVOLENT ASSOCIATION

Date	Presented by	Where	Location	Referred
January 21, 1890	Fithian, G. W.	House	Faithfull Lodge, Wabash County, Illinois	Committee on Agriculture
January 21, 1890	Fithian, G. W.	House	Cummins Lodge, Jasper County, Illinois	Committee on Agriculture
January 21, 1890	Fithian, G. W.	House	Edwards City Lodge, Illinois	Committee on Agriculture
January 21, 1890	Fithian, G. W.	House	Cobin Lodge, Clay County, Illinois	Committee on Agriculture
January 21, 1890	Fithian, G. W.	House	Lodge, No. 880, Clay County, Illinois	Committee on Agriculture
January 21, 1890	Fithian, G. W.	House	Baily Lodge, Clay County, Illinois	Committee on Agriculture[1]
January 22, 1890	Fithian, G. W.	House	Service Hill Lodge, Jasper County, Illinois	Committee on Agriculture
January 22, 1890	Fithian, G. W.	House	Antioch Lodge, No. 634 Wayne County, Illinois	Committee on Agriculture[2]

1. Cong., Record, 51 Cong. 1 Sess., p. 759.
2. Ibid., p. 794.

FARMERS MUTUAL BENEVOLENT ASSOCIATION

Date	Presented by	Where	Location	Referred
January 22, 1890	Fithian, G. W.	House	Lodge No. 1044, Clay County, Illinois	Committee on Agriculture [2]
January 27, 1890	Fithian, G. W.	House	Little Brick Lodge, No. 974, Illinois	Committee on Agriculture
January 27, 1890	Fithian, G. W.	House	Home Lodge, Friendsville, Illinois	Committee on Agriculture
January 27, 1890	Fithian, G. W.	House	Literary Lodge, Wabash County, Illinois	Committee on Agriculture
January 27, 1890	Fithian, G. W.	House	Oster Lodge, No. 1011 Clay County, Illinois	Committee on Agriculture
January 27, 1890	Fithian, G. W.	House	Lodge No. 1107, Clay County, Illinois	Committee on Agriculture
January 27, 1890	Fithian, G. W.	House	Lodge, No. 1009, Clay County, Illinois	Committee on Agriculture
January 27, 1890	Fithian, G. W.	House	Lodge No. 1630, Illinois	Committee on Agriculture [3]

2. Cong., Record, 51 Cong. 1 Sess., p. 794.
3. Ibid., p. 894.

FARMERS MUTUAL BENEVOLENT ASSOCIATION

Date	Presented by	Where	Location	Referred
January 27, 1890	Parrett, W. F.	House	Stephensport Lodge No. 1055, Indiana	Committee on Agriculture [4]
January 27, 1890	Parrett, W. F.	House	Lodge No. 961, Indiana	Committee on Agriculture [5]
January 28, 1890	Parrett, W. F.	House	Lodge No. 910, Indiana	Committee on Agriculture [6]
February 1, 1890	Parrett, W. F.	House	Lodge No. 1121, Indiana	Committee on Agriculture [7]
February 4, 1890	Brookshire, E. V.	House	Memorial Lodge, No. 2205, New Lebanon, Indiana	Committee on Agriculture
February 5, 1890	Fithian, G. W.	House	Maude Lodge, No. 1121, Illinois	Committee on Agriculture
February 5, 1890	Fithian, G. W.	House	New Hope Lodge No. 939, Illinois	Committee on Agriculture [8]
February 5, 1890	Fithian, G. W.	House	Ingraham Lodge No. 862, Illinois	Committee on Agriculture

4. Cong., Record, 51 Cong. 1 Sess., p. 895.
5. Ibid., p. 931.
6. Ibid., p. 1006.
7. Ibid., p. 1057.
8. Ibid., p. 1059.

FARMERS MUTUAL BENEVOLENT ASSOCIATION

Date	Presented by	Where	Location	Referred
February 5, 1890	Fithian, G. W.	House	Fairview Lodge, No. 1108, Illinois	Committee on Agriculture
February 5, 1890	Fithian, G. W.	House	York Lodge, No. 953, Illinois	Committee on Agriculture
February 5, 1890	Fithian, G. W.	House	Lodge No. 403, Illinois	Committee on Agriculture [8]
February 6, 1890	Brookshire, E. V.	House	Curry Lodge No. 3482, Sullivan County, Indiana	Committee on Agriculture [9]
February 7, 1890	Parrett, W. F.	House	Lodge No. 1413, Indiana	Committee on Agriculture
February 7, 1890	Parrett, W. F.	House	Lodge No. 1002, Indiana	Committee on Agriculture
February 7, 1890	Parrett, W. F.	House	Lodge No. 543, Indiana	Committee on Agriculture [10]
February 10, 1890	Fithian, G. W.	House	Lodge No. 586, Illinois	Committee on Agriculture [11]

8. Cong., Record, 51 Cong. 1 Sess., p. 1058.
9. Ibid., p. 1132.
10. Ibid., p. 1149.
11. Ibid., p. 1190.

FARMERS MUTUAL BENEVOLENT ASSOCIATION

Date	Presented by	Where	Location	Referred
February 10, 1890	Fithian, G. W.	House	Lodge No. 1377, Illinois	Committee on Agriculture
February 10, 1890	Fithian, G. W.	House	Lodge No. 622, Illinois	Committee on Agriculture
February 10, 1890	Fithian, G. W.	House	Lodge No. 1039, Illinois	Committee on Agriculture
February 10, 1890	Fithian, G. W.	House	Decker Lodge, Illinois	Committee on Agriculture [11]
February 10, 1890	Parrett, W. F.	House	Lodge No. 1174, Illinois	Committee on Agriculture
February 10, 1890	Stone, W. J.	House	Lexington, Kentucky Lodge	Committee on Agriculture [12]
February 11, 1890	Parrett, W. F.	House	Ricketts Lodge, No. 1238, Indiana	Committee on Agriculture
February 11, 1890	Parrett, W. F.	House	Marian Lodge, No. 1086, Indiana	Committee on Agriculture [13]
February 11, 1890	Parrett, W. F.	House	Oak Lodge No. 199, Spencer County, Indiana	Committee on Agriculture [14]

11. Cong., Record, 51 Cong. 1 Sess., p. 1190.
12. Ibid., p. 1191.
13. Ibid., p. 1228.
14. Ibid., p. 1308.

FARMERS MUTUAL BENEVOLENT ASSOCIATION

Date	Presented by	Where	Location	Referred
February 14, 1890	Parrett, W. F.	House	Bloomfield Lodge, No. 1198, Spencer County, Indiana	Committee on Agriculture [15]
February 14, 1890	Stone, W. J.	House	Lodge No. 391, Livingston, Kentucky	Committee on Agriculture [16]
February 15, 1890	Kelly, H.	House	Eagle Creek Lodge, No. 1200, Coffey County, Kansas	Committee on Coin and Weights and Measures [17]
February 18, 1890	Parrett, W. F.	House	Calvert Lodge No. 755, Posey County, Indiana	Committee on Agriculture
February 18, 1890	Funston, E. H.	House	Marmaton Lodge, Gardner, Kansas	Committee on Agriculture [18]
February 21, 1890	Plumb, P. B.	Senate	Crescent Lodge No. 1734, Kansas	Committee on Finance [19]
February 21, 1890	Kelly, H.	House	Aliceville Lodge, Coffey County, Kansas	Committee on Agriculture [20]

15. Cong., Record, 51 Cong. 1 Sess., p. 1348.

16. Ibid., p. 1346.

FARMERS MUTUAL BENEVOLENT ASSOCIATION

Date	Presented by	Where	Location	Referred
February 24, 1890	Fithian, G. W.	House	Eureka Lodge, No. 1574, Wabash County, Illinois	Committee on Agriculture [21]
February 24, 1890	Cooper, G. W.	House	Hancock Lodge, Owen County, Indiana	Committee on Agriculture
February 24, 1890	Lane, E.	House	Independent Lodge No. 1515, Illinois	Committee on Agriculture
February 24, 1890	Lane, E.	House	Victory Lodge, No. 1525, Illinois	Committee on Agriculture
February 24, 1890	Lane, E.	House	Holiday Lodge No. 1232, Illinois	Committee on Agriculture
February 24, 1890	Lane, E.	House	Spring Hill Lodge No. 2405, Illinois	Committee on Agriculture [22]
February 25, 1890	Funston, E. H.	House	Redfield Lodge, Kansas	Committee on Agriculture [23]
February 27, 1890	Funston, E. H.	House	Fulton Lodge, Kansas	Committee on Agriculture [24]

21. Cong., Record, 51 Cong. 1 Sess., p. 1668.

22. Ibid., p. 1667.

FARMERS MUTUAL BENEVOLENT ASSOCIATION

Date	Presented by	Where	Location	Referred
March 7, 1890	Fithian, G. W.	House	Center Lodge No. 1705, Jasper County Illinois	Committee on Agriculture [25]
March 7, 1890	Kelly H.	House	Hopewell Lodge, Woodson County, Kansas	Committee on Agriculture [26]
March 11, 1890	Kelly, H.	House	Coffey County Lodges, Kansas	Committee on Agriculture
March 11, 1890	Kelly, H.	House	Osage County Lodges Kansas	Committee on Agriculture [27]
March 18, 1890	Kelly, H.	House	Hills Lodge No. 1255, Coffey County, Kansas	Committee on Agriculture [28]
March 31, 1890	Funston, E. H.	House	Pleasant Valley Lodge No. 1250, Kansas	Committee on Agriculture [29]
April 4, 1890	Kelly, H.	House	Lodge No. 175, Coffey County, Kansas	Committee on Coinage Weights and Measures [30]

25. Cong., Record, 51 Cong. 1 Sess., p. 1791.
26. Ibid., p. 1855.
27. Ibid., p. 2039.
28. Ibid., p. 2138.
29. Ibid., p. 2373.
30. Ibid., p. 2870.

APPENDIX B

Unsuccessful Bills Introduced into Congress

UNSUCCESSFUL BILLS INTRODUCED INTO CONGRESS

Date	Where	By Whom	Referred
January 30, 1888	House	Stone, W. J. (Ken.)	Committee on Manufactures [1]
January 30, 1888	House	Raynor, J. (Maryland)	Committee on Manufactures [2]
March 5, 1888	House	Breckenridge, W. C. P. (Ken.)	Committee on Ways and Means [3]
March 5, 1888	House	Thomas, O. B. (Wis.)	Committee on Commerce [4]
March 19, 1888	House	Cox, S. S. (N. Y.)	Committee on Manufactures [5]
April 16, 1888	House	MacDonald, J. L. (Minn.)	Committee on Manufactures [6]
May 10, 1888	Senate	Teller, H. M. (Col.)	Committee on Patients [7]
May 21, 1888	House	Springer, W. M. (Ill.)	Committee on Ways and Means [8]
July 23, 1888	House	Springer, W. M. (Ill.)	Committee on Ways and Means [9]
August 14, 1888	Senate	Reagan, J. H. (Texas)	Committee on Finance [10]
August 20, 1888	House	Anderson, A. R. (Io.)	Committee on the Judiciary

1. Cong. Record, 50 Cong. 1 Sess., p. 308.
2. Ibid., p. 1743.
3. Ibid., p. 1745.
4. Ibid., p. 2328.
5. Ibid., p. 3008.
6. Ibid., p. 3918.
7. Ibid., p. 4492.
8. Ibid., p. 6691.
9. Ibid., p. 7518.
10. Ibid., p. 7740.

UNSUCCESSFUL BILLS INTRODUCED INTO CONGRESS

Date	Where	By Whom	Referred
August 27, 1888	House	Anderson, A. R. (Io.)	Committee on the Judiciary [11]
September 3, 1888	House	Anderson, A. R. (Io.)	Committee on the Judiciary [12]
September 3, 1888	House	Newton, C. (Miss.)	Committee on the Judiciary [13]
September 4, 1888	Senate	Cullom, S. M. (Ill.)	Committee on Finance
September 10, 1888	House	Crain, W. H. (Texas)	Committee on Ways and Means [14]
September 10, 1888	House	Culberson, D. B. (Texas)	Committee on the Judiciary [15]
September 10, 1888	House	Henderson J. S. (N. C.)	Committee on Ways and Means [16]
October 1, 1888	House	Abbott, J. (Texas)	Committee on the Judiciary [17]
December 4, 1889	Senate	George, J. Z. (Miss.)	Committee on Finance [18]
December 4, 1889	Senate	Reagan, J. H. (Texas)	Committee on the Judiciary [19]
December 18, 1889	House	McRae, T. C. (Ark.)	Committee on Ways and Means

11. Cong. Record, 50 Cong. 1 Sess., p. 7998.
12. Ibid., p. 8288.
13. Ibid., p. 8239.
14. Ibid., p. 8460.
15. Ibid., p. 8459.
16. Ibid., p. 9074.
17. Cong. Record, 51 Cong. 1 Sess., p. 96.
18. Ibid., p. 97.
19. Ibid., p. 327.

UNSUCCESSFUL BILLS INTRODUCED INTO CONGRESS

Date	Where	By Whom	Referred
December 18, 1889	House	Steward, J. D. (Geo)	Committee on Ways and Means [20]
December 18, 1889	House	Fithian, G. W. (Ill.)	Committee on the Judiciary [21]
December 18, 1889	House	Conger, E. H. (Io.)	Committee on Ways and Means [22]
December 18, 1889	House	Henderson, D. B. (Io.)	Committee on Ways and Means [23]
December 18, 1889	House	Lacey, J. F. (Io.)	Committee on Manufactures [24]
December 18, 1889	House	Blanchard, N. C. (La.)	Committee on Manufactures [25]
December 18, 1889	House	Anderson, C. L. (Miss.)	Committee on Ways and Means [26]
December 18, 1889	House	Richardson, J. D. (Tenn.)	Committee on Ways and Means

20. Cong. Record, 51 Cong. 1 Sess., p. 96.
21. Ibid., p. 235.
22. Ibid., p. 234.
23. Ibid., p. 236.
24. Ibid., p. 239.
25. Ibid., p. 243.
26. Ibid., p. 255.

UNSUCCESSFUL BILLS INTRODUCED INTO CONGRESS

Date	Where	By whom	Referred
December 18, 1889	House	Steward, J. D. (Geo)	Committee on Ways and Means [20]
December 18, 1889	House	Fithian, G. W. (Ill.)	Committee on the Judiciary [21]
December 18, 1889	House	Conger, E. H. (Io.)	Committee on Ways and Means [22]
December 18, 1889	House	Henderson, D. B. (Io.)	Committee on Ways and Means [23]
December 18, 1889	House	Lacey, J. F. (Io.)	Committee on Manufactures [24]
December 18, 1889	House	Blanchard, N. C. (La.)	Committee on Manufactures [25]
December 18, 1889	House	Anderson, C. L. (Miss.)	Committee on Ways and Means [26]
December 18, 1889	House	Richardson, J. D. (Tenn.)	Committee on Ways and Means

20. Cong. Record, 51 Cong. 1 Sess., p. 96.
21. Ibid., p. 235.
22. Ibid., p. 234.
23. Ibid., p. 236.
24. Ibid., p. 239.
25. Ibid., p. 243.
26. Ibid., p. 253.

UNSUCCESSFUL BILLS INTRODUCED INTO CONGRESS

Date	Where	By Whom	Referred
December 18, 1889	House	Pierce, M. A. (Tenn.)	Committee on Ways and Means [26]
December 18, 1889	House	Steward, C. (Texas)	Committee on the Judiciary [27]
December 18, 1889	House	Enloe, B. A. (Tenn.)	Committee on the Judiciary [28]
December 20, 1889	House	Breckinridge, W. C. P. (Ken.)	Committee on Ways and Means [29]
December 20, 1889	House	Lester, P. G. (Vir.)	Committee on the Judiciary [30]
January 6, 1890	House	Lane, E. (Ill.)	Committee on Ways and Means [31]
January 6, 1890	House	Perkins, B. W. (Kan.)	Committee on Ways and Means [32]
January 6, 1890	House	Abbott, J. (Texas)	Committee on the Judiciary [33]
April 3, 1890	House	Culberson, O. B. (Texas)	Committee on the Judiciary [34]

26. Cong. Record, 51 Cong. 1 Sess., p 255.
27. Ibid., p. 336.
28. Ibid., p. 354.
29. Ibid., p. 337.
30. Ibid., p. 340.
31. Ibid., p. 401.
32. Ibid., p. 402.
33. Ibid., p. 406.
34. Ibid., p. 3007.

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