

50TH CONGRESS,
2D SESSION.

[Calendar No., 2270.
S. 3445.

IN THE SENATE OF THE UNITED STATES.

AUGUST 14, 1888.

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

SEPTEMBER 11, 1888.

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

JANUARY 25, 1889.

Ordered to be reprinted as amended.

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That all arrangements, contracts, agreements, trusts, or com-
4 binations between persons or corporations made with a view,
5 or which tend, to prevent full and free competition in the im-
6 portation, transportation, or sale of articles imported into the
7 United States or in the production, manufacture, or sale of
8 articles of domestic growth or production, or domestic raw
9 material that in due course of trade shall be transported from
10 one State or Territory to another, or to the District of Colum-
11 bia, or from the District of Columbia to any State or Terri-
12 tory, and all arrangements, contracts, agreements, trusts, or
13 combinations between persons or corporations designed, or
14 which tend, to advance the cost to the consumer of any of such
15 articles, are hereby declared to be against public policy, un-
16 lawful, and void.

1 SEC. 2. That any person or corporation injured or dam-
2 nified by such arrangement, contract, agreement, trust, or
3 combination may sue for and recover in any court of the
4 United States of competent jurisdiction of any person or cor-

5 poration a party to a combination described in the first section
6 of this Act the full consideration or sum paid by him for any
7 goods, wares, and merchandise included in or advanced in
8 price by said combination.

1 SEC. 3. That if one of the purposes of any such arrange-
2 ment, contract, agreement, trust, or combination shall be to
3 compel any person, partnership, or corporation to become a
4 party thereto, or to cease from doing any lawful business, or to
5 sell and dispose of any lawful business, or if acts shall be
6 done under any such arrangement, contract, agreement, trust,
7 or combination, which have for their purpose, or which shall
8 tend to compel the giving up or sale of any lawful business,
9 the person, partnership, or corporation injured thereby may sue
10 for and recover in any court of the United States of compe-
11 tent jurisdiction the damages sustained thereby of any per-
12 son or corporation a party to any such arrangement, contract,
13 agreement, trust, or combination, or of all or any number less
14 than all of such parties. And if any purchaser of articles
15 specified in the preceding section shall be put to additional
16 cost by the advancing of the price of such articles by means
17 or because of any such arrangement, contract, agreement,
18 trust, or combination, he may, in like manner, sue for and re-
19 cover the damages sustained, which shall in such case be es-
20 timated at the full consideration or sum paid by him for the
21 article so advanced in price as aforesaid.

1 SEC. 4. That all persons entering into any such ar-
2 rangement, contract, agreement, trust, or combination de-
3 scribed in section one of this Act, either on his own account or
4 as agent or attorney for another, or as an officer, agent, or
5 stockholder of any corporation, or as a trustee, committee, or
6 in any capacity whatever, shall be guilty of a high misde-
7 meanor, and, on conviction thereof in any district or circuit
8 court of the United States, shall be subject to a fine of not
9 more than ten thousand dollars, or to imprisonment in the
10 penitentiary for a term of not more than five years, or to
11 both such fine and imprisonment, in the discretion of the
12 court. And it shall be the duty of the district attorney of
13 the United States of the district in which such persons reside
14 to institute the proper proceedings to enforce the provisions
15 of this Act.

1 SEC. 5. That any person who, ninety days after the pas-
2 sage of this law, shall act as a manager, officer, trustee, or
3 agent of any arrangement, contract, agreement, trust, or com-
4 bination as described in the first section, shall be liable to the
5 penalties prescribed in the fourth section.

[Seven proposed amendments were printed but were not introduced.]