

A bill (H. R. 6501) to grant a pension to Joseph F. Garrett;
 A bill (H. R. 8494) granting a pension to Gilbert Reed;
 A bill (H. R. 8534) granting a pension to Jacob Copes;
 A bill (H. R. 8545) for the relief of Samuel Purcell;
 A bill (H. R. 8889) granting a pension to Charles Molseed;
 A bill (H. R. 9253) granting an increase of pension to Richard Hogan;
 A bill (H. R. 9341) granting a pension to Mrs. Dulcenor Noel;
 A bill (H. R. 9372) granting a pension to John Dean;
 A bill (H. R. 9653) granting a pension to Henry Alward, dependent father of Henry M. Alward;
 A bill (H. R. 9634) granting a pension to William J. Brown;
 A bill (H. R. 9719) for the relief of Thomas Shackelford;
 A bill (H. R. 10017) granting a pension to Samuel Anderson;
 A bill (H. R. 10275) granting a pension to Joseph Hunter, M. D.;
 A bill (H. R. 10356) granting a pension to John T. Vincent;
 A bill (H. R. 10418) granting a pension to Hannah L. Irwin;
 A bill (H. R. 10525) to increase the pension of Edward Jardine;
 A bill (H. R. 10705) granting a pension to Mary L. Tanner;
 A bill (H. R. 10789) granting a pension to Philip Neuman;
 A bill (H. R. 10906) granting a pension to Fidel Gates; and
 A bill (H. R. 10954) for the relief of Mary Ann Reid.

The bill (H. R. 10735) for the removal of the political disabilities of Theodore Lewis, of Louisiana, was read twice by its title, and referred to the Committee on the Judiciary.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard;
 A bill (H. R. 2661) for the relief of James Caler;
 A bill (H. R. 6347) for the relief of Alexander Moffitt;
 A bill (H. R. 9464) for the relief of Hudson G. Lamkin; and
 A bill (H. R. 11007) for the relief of the Catholic Church at Macon, Mo.

The bill (H. R. 1067) to amend the war record of Alfred H. Thomas, deceased, was read twice by its title, and referred to the Committee on Military Affairs.

WILLIAM KELSEY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2106) granting a pension to William Kelsey, which was, at the end of line 5, to add:

And pay him a pension of \$14 per month in lieu of the pension he is now receiving.

So as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Kelsey, late of Company G, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension of \$14 per month in lieu of the pension he is now receiving.

Mr. SAWYER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a petition of Matthew Gray Post, No. 93, Grand Army of the Republic, of Ida Grove, Department of Iowa, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. GEORGE presented the petition of Philip Goble, of Jasper County, Mississippi, praying to be allowed a pension on account of services rendered in the Mexican war; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Lucy A. Grant, widow of Capt. John Grant, late a citizen of Louisiana, praying for certain relief; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 3417) granting a pension to George E. Fernald, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3335) granting a pension to Thompson D. Hatfield, reported it with an amendment, and submitted a report thereon.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 834) for the relief of the heirs of John H. Newman, deceased, reported it with an amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3338) granting an increase of pension to Joseph D. Hill, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 3422) granting a pension to Kate C. Van Arnum; and
 A bill (S. 3421) granting a pension to Mary B. McVean.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 3208) granting a pension to William S. Bradshaw, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 889) granting a pension to Ishmael Jones, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8697) to increase the pension of Martin McLaughlin, a survivor of the Mexican war, and late a private in Company D, Third United States Infantry, reported it without amendment, and submitted a report thereon.

PUBLIC BUILDING AT MARTINSBURGH, W. VA.

Mr. DANIEL. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3432) for the erection of a public building at Martinsburgh, W. Va., to report it without amendment.

Mr. FAULKNER. I ask unanimous consent that the Senate consider the bill at this time. I expect to leave the city and I do not know when I shall be back.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FAULKNER. There is one amendment which I venture to suggest. In line 25 I move to strike out the word "toward," so as to limit it beyond question to the amount appropriated.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 25, before the words "the construction," it is proposed to strike out the word "toward;" so as to read:

And the sum of \$100,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used and expended in the purchase of said site and the construction of said building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE ON INDIAN TRADERS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CHANDLER July 16, 1888, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Select Committee on Indian Traders be authorized to continue during the recess of Congress the investigations directed by the resolutions of the Senate of June 3, 1886, December 20, 1887, and March 5, 1888, with the authority and in the manner and to the extent provided in said resolutions, and also, if it is deemed necessary, to visit as a full committee, or by such subcommittee as may be appointed by the chairman thereof, the Chippewa Indian reservations mentioned in said resolution of March 5, 1888, and said committee shall have power to employ a clerk and messenger during said recess; and the necessary expenses of such investigation shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Mr. PADDOCK introduced a bill (S. 3436) to provide for the refunding of certain sums to the purchasers of lands in the late reservation of the confederated Otoe and Missouri tribes of Indians in the States of Nebraska and Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SHERMAN introduced a bill (S. 3437) granting a pension to Sarah B. Pool; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 3438) to refund illegal internal-revenue tax collected of the late Alexander W. Baldwin, as United States district judge for the district of Nevada; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3439) authorizing the Secretary of War to ascertain the amount of money which has been expended and the obligations assumed by the State of California, growing out of Indian hostilities therein and upon the borders thereof, not heretofore reimbursed by the United States; which was read twice by its title.

Mr. STEWART. I move that this bill be referred to the Committee on Military Affairs, and that 200 copies of the accompanying papers connected with it be printed for the use of the committee.

The motion was agreed to.

Mr. REAGAN introduced a bill (S. 3440) to define trusts and to provide for the punishment of persons connected with them or carrying them on; which was read the first time by its title.

Mr. BECK. Let that bill be read in full.

The PRESIDENT *pro tempore*. The bill will be read the second time at length, if there be no objection.

The bill was read the second time at length, as follows:

Be it enacted, etc. That a trust is the combination of capital or skill by two or more persons for the following purposes:

First. To create or carry out restrictions on trade.

Second. To limit, to reduce, or to increase the production or prices of merchandise or commodities.

Third. To prevent competition in the manufacture, making, sale, or purchase of merchandise or commodities.

Fourth. To create a monopoly.

SEC. 2. That any person who may be or may become a member of any such trust, or who may be or may become engaged in the business of any such trust in any trade or business carried on with foreign countries, or between the States, or between any State or Territory and the District of Columbia, or between the

District of Columbia and any Territory, or between the United States and the waters adjacent to any foreign country, shall be guilty of a high misdemeanor, and on conviction thereof in any district or circuit court of the United States after indictment shall be fined in a sum of not more than \$10,000 nor less than \$1,000, and may be imprisoned in the penitentiary for a period of not more than five years and not less than one year.

Sec. 3. That the purchase by any trust, or by the agent of any trust, of merchandise or commodities in a foreign country for sale in this country; or the manufacture, making, or purchase of any merchandise or commodity in this country for sale in a foreign country; or the manufacture, making, or purchase of any merchandise or commodity in one State for sale in another; or in any State or Territory for sale in the District of Columbia; or in the District of Columbia for sale in any State or Territory; or in any Territory for sale in any other Territory or in any State or in the District of Columbia, shall constitute a violation of this act, and shall subject the offender to the aforesaid penalties.

Mr. SHERMAN. To what committee is it proposed to refer the bill?

The PRESIDENT *pro tempore*. To the Committee on the Judiciary.

Mr. BECK. It should go to the Committee on Commerce.

Mr. SHERMAN. Upon the question of reference I desire to say something.

Mr. REAGAN. I had marked it to go to the Committee on the Judiciary, but it is immaterial to me whether it goes to that committee or the Committee on Commerce.

Mr. SHERMAN. The Committee on Finance is already in charge of that subject. It has been instructed by the Senate to inquire into and report whether there is any remedy for trusts, combinations, etc.

Mr. REAGAN. Very well; I have no objection then. If the Committee on Finance has the subject before it the bill may go to that committee.

Mr. BECK. I desire to say that the Committee on Finance has got its hands very full just now, and is likely to have until the end of this session. I do not believe the Committee on Finance can look into this question any further, and the bill ought to go either to the Committee on Commerce or the Committee on the Judiciary on that account.

Mr. REAGAN. I indicated the reference to the Committee on the Judiciary because the bill involves an exceedingly interesting and important question of law, and I supposed that that committee perhaps had better have the consideration of it. But if the Senator from Ohio prefers that it should go to the Committee on Finance, or prefers it should go to any other committee, it will be agreeable to me.

Mr. SHERMAN. I wish to say that the Committee on Finance has already been charged with the consideration of this subject. I have myself given some attention to it, to see how far it is within the constitutional power of Congress to prohibit trusts and combinations in restraint of trade. It is very clear there is no such power unless it is derived from the power of levying taxes; that it is a power which must be exercised by each State for itself. Similar laws have been passed in England and in other countries. Indeed, in Blackstone's Commentaries there are declarations and denunciations of trusts, monopolies, etc., as strong as can be written in the English language. Whether such legislation can be ingrafted in our peculiar system of government by the national authority, there is some doubt. If it can be done at all, it must be done upon a tariff bill or upon a revenue bill. I do not see in what other way it can be done.

My impression is that in any bill reported to the Senate in respect to the collection of the revenue there will be provisions offered seeking, if possible, to prevent the evils which unquestionably grow out of these combinations and trusts, especially by corporations. The difficulty, however, is that many of these combinations and trusts, some of the most dangerous of them, like the Standard Oil Company, grow out of matters as to which there is no tax, and where they do not grow out of the revenue laws. Whether in such cases we can reach the combinations and trusts, which affect every citizen of the United States, I do not know; but it is certain that where these combinations grow out of revenue laws, as the sugar trust, which is one of the most dangerous and wrongful trusts ever organized in this country, the trust can certainly be reached by the operation of our revenue laws.

Perhaps it is the best way to let this matter go where the Senate have already sent it—to the Committee on Finance—and if the provisions reported by that committee should not be deemed wise, or if it is thought better to take the opinion of the Judiciary Committee upon their constitutionality or efficiency, then I should have no objection to having the subject go there. But, as a matter of course, legislation upon the subject of trusts and combinations in trade will naturally grow out of our revenue laws, and if it does not grow out of our revenue laws, it is not within the power of Congress to deal with it.

Mr. REAGAN. This bill was framed with a view—whether it has been successful in accomplishing that purpose or not—of avoiding the constitutional difficulty of assuming to legislate upon matters within State jurisdiction; and that question arises, as well as the difficulty of defining what a trust is, and providing proper penalties. I have indicated the reason why I had mentioned its reference to the Committee on the Judiciary, but I am willing to leave it to the Senate to make whatever reference it chooses.

The PRESIDENT *pro tempore*. The Chair recognizes the right of a Senator introducing a bill to move its reference to any committee he may prefer, but if no motion is made the Chair will then exercise his own judgment in referring the bill.

Mr. SHERMAN. I move that the bill be referred to the Committee on Finance.

Mr. DAWES. I should like to hear the last section of the bill read. The PRESIDENT *pro tempore*. It will be again read.

Mr. PLATT. The whole bill may as well be read.

The PRESIDENT *pro tempore*. The bill will be again read at length. The Chief Clerk again read the bill.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Texas to withdraw his motion to refer the bill to the Committee on the Judiciary?

Mr. REAGAN. The Senator from Ohio, I believe, has moved to refer it to the Committee on Finance.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Ohio to refer the bill to the Committee on Finance.

Mr. RANSOM. I have no objection whatever to the bill being referred to the Committee on Finance, but I will venture to make a suggestion to the Senator from Ohio, if he will permit me.

That Senator intimates that if this power is to be derived at all, it is to be derived from the authority of Congress to lay and collect taxes.

Mr. SHERMAN. And to regulate commerce.

Mr. RANSOM. It strikes me, with great deference to the Senator from Ohio, that the best source of this power, if found at all, and I think it can be found, is in the power of Congress to regulate commerce.

Mr. SHERMAN. I always take the revenue laws as commercial laws. They always go together, interchangeably. But this very subject was embraced by a resolution offered by me, which was referred to the Committee on Finance, under which that committee was instructed to inquire into the subject and consider it.

Mr. RANSOM. As that committee has it in charge I agree with the Senator from Ohio in thinking that it had best continue to consider it, although it properly belongs to the Committee on Commerce.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance, if there be no objection.

Mr. REAGAN introduced a bill (S. 3441) to regulate commanders and crews of certain merchant, fishing, and whaling vessels; which was read the first time by its title, and the second time at length, and referred to the Committee on Commerce, as follows:

Be it enacted, etc., That from and after three months from the passage of this act the officers and at least three-fourths of the crews of any merchant vessel belonging to citizens of the United States engaged in the transportation of merchandise or passengers, or both, to or from any foreign country, or between the States; and all fishing vessels owned by citizens of the United States and engaged in fishing in waters outside of the territorial jurisdiction of the United States, and all whaling vessels belonging to citizens of the United States and pursuing their vocation in waters outside of the territorial jurisdiction of the United States, shall be either native-born or naturalized citizens of the United States: *Provided*, That this act shall only apply to whaling vessels which leave the ports of the United States after its passage.

Sec. 2. That the owner or owners of any such vessel, or their agent or agents, and the commanders or masters of such vessel, found guilty after indictment in any district or circuit court of the United States of a violation of this act, shall be fined in a sum not less than \$1,000, nor more than \$5,000 and may, at the discretion of the court, be imprisoned in the penitentiary for a term not exceeding two years.

Mr. COCKRELL introduced a bill (S. 3442) for the relief of E. R. Shipley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

Mr. STOCKBRIDGE (for Mr. PALMER) introduced a bill (S. 3443) increasing the pension of John Winchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Arkansas, introduced a bill (S. 3444) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.;" which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHERMAN introduced a bill (S. 3445) to declare unlawful trusts and combinations in restraint of trade and production; which was read twice by its title, and referred to the Committee on Finance.

Mr. DOLPH introduced a bill (S. 3446) granting to the Oregon Railway and Navigation Company certain tracts of land upon the Umatilla Indian reservation for station and railroad purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

AMENDMENT TO THE GENERAL DEFICIENCY BILL.

Mr. GORMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

NATIONAL-BANK DEPOSITS.

Mr. SHERMAN. I submit the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Treasury is directed to furnish the Senate a statement of the amount deposited with each national banking association holding public money on the 1st day of August, 1888, and the amount and description of United States bonds and other securities pledged for the repayment of such deposits.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it be printed so that we can look at it.