

## SEIZURE OF SHIP BRIDGEWATER.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of State be directed to transmit to the Senate copies of all correspondence on the files of the Department of State relative to the seizure and release of the ship Bridgewater, owned by Mary E. Allen, of New York, and of all documents and papers in his possession relative thereto.

## INTERNATIONAL COPYRIGHT BILL.

Mr. CHACE submitted the following resolution; which was referred to the Committee on Printing:

*Resolved*, That there be printed for the use of the Senate 1,000 copies of the bill (S. 554) "to amend Title LX, chapter 3, of the Revised Statutes of the United States."

## COUNT OF ELECTORAL VOTES.

Mr. HOAR. I ask the Senate to proceed to the consideration of the concurrent resolution in regard to the electoral count.

The PRESIDENT *pro tempore*. The concurrent resolution will be read.

The Chief Clerk read the concurrent resolution reported by Mr. HOAR from the Committee on Privileges and Elections, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the two Houses of Congress shall assemble in the Hall of the House of Representatives, on Wednesday, the 13th day of February, 1889, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States; and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled, as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States; and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. SAULSBURY. I ask the Senator from Massachusetts if the resolution is in the usual form.

Mr. HOAR. The resolution is a precise copy of that adopted four years ago, and, I believe, of the one adopted eight years ago, but certainly of the one adopted four years ago.

Mr. SAULSBURY. That is all I wanted to know.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the concurrent resolution, the question is on agreeing to the same.

The concurrent resolution was agreed to.

## DEATH OF REPRESENTATIVE ROBERTSON.

Mr. GIBSON. A "message from the House of Representatives, by its Chief Clerk, T. O. Towles, communicated to the Senate intelligence of the death of Hon. Edward White Robertson, late a Representative in the House of Representatives from the State of Louisiana, and resolutions thereon by that body." I ask that the resolutions may lie upon the table, and I give notice that I shall call them up on Friday, the 15th of February next, at 4 o'clock.

The PRESIDENT *pro tempore*. The resolutions will lie on the table subject to the call of the Senator from Louisiana.

## PERSONAL EXPLANATION.

Mr. BLODGETT. Mr. President, I ask permission to make a personal explanation.

The PRESIDENT *pro tempore*. The Senator from New Jersey is recognized for that purpose.

Mr. BLODGETT. I notice in the RECORD this morning that the senior Senator from Virginia [Mr. RIDDLEBERGER] is reported as having made an explanation of his position upon the Senate substitute for the tariff bill, in which he stated that he would not have voted for that bill. As I was paired with that Senator, and acting entirely in good faith, it is due to the Senate that they should understand all the circumstances of the case.

The junior Senator from New York [Mr. HISCOCK] asked me to pair with the Senator from Virginia, which I did, and I announced when my name was called that I was so paired. I understood—in fact, I had a right to suppose and believe—that the Senator from Virginia was in favor of the passage of the Senate bill until after I had made the announcement. I then found the Senator from Virginia and told him that I had announced my pair with him; and at his request I allowed the pair to stand. That is all the explanation I desire to make.

Mr. RIDDLEBERGER. Mr. President, there is no difference between any statement that I could make and that which the Senator himself has made. I suppose that I could correct him in one matter, and that is that he and I both thought that the vote which was then being taken was a vote on an amendment and not on the Senate substitute. I think the Senator will agree that the misapprehension was mutual. He came into what we call the cloak-room here, and he said, "Well, let this pair stand." I think the Senator from New Jersey will agree that we both misunderstood it at the time, because the hour of 8 o'clock had not arrived. Neither, I think, would attack the integrity of the other on the question of a pair between Senators here. That being understood everything was understood.

Mr. BLODGETT. I will only say that I had no information that the Senator from Virginia was opposed to the passage of the bill. I paired with him in absolute good faith, believing him to be in favor of

the passage of the bill, and I want that fact distinctly understood by the Senate.

## RIGHT OF WAY THROUGH CROW RESERVATION.

The PRESIDENT *pro tempore*. If there be no further morning business that order is closed, and the Calendar under Rule VIII is in order. The first bill on the Calendar under Rule VIII will be stated.

The CHIEF CLERK. A bill (H. R. 593) for the relief of James Albert Bonsack.

Mr. JONES, of Arkansas. I move that the Senate proceed to the consideration of the bill (S. 3794) granting to the Big Horn Southern Railroad Company a right of way through a part of the Crow Indian reservation in Montana Territory.

Mr. SHERMAN. I do not want to antagonize the Senator's bill, a local bill, but I wish to call up the bill to declare unlawful certain trusts; and I should like to have it passed as soon as possible.

Mr. JONES, of Arkansas. I will say to the Senator from Ohio that I do not think there can be any objection to this bill. It will only take the time to read it and pass it. It is a local matter.

Mr. SHERMAN. I shall try to get up the trust bill after that is disposed of.

Mr. HOAR. Perhaps it is proper that I should say to the Senator from Ohio now that I have given some careful study to his bill with reference entirely to making it more certain and accurate in its definition. There are one or two amendments which have been suggested to me by a very high quarter indeed (I will not call the name of the person publicly), which I should like to submit to him. I think if he would let the bill go over one day it would be more convenient.

Mr. SHERMAN. That makes no difference as to the consideration of the bill to-day. The Committee on Finance have one or two amendments already agreed upon to the bill.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the Senate proceed to the consideration of the bill (S. 3794) granting to the Big Horn Southern Railroad Company a right of way through a part of the Crow Indian reservation in Montana Territory.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 3, line 3, after the word "way," to insert "and grounds adjacent thereto, as provided in section 2;" so as to read:

That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and grounds adjacent thereto, as provided in section 2, and provide the time and manner for the payment thereof; and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road.

The amendment was agreed to.

The next amendment was, in section 3, line 18, before the word "regard," to insert "due;" so as to read:

But no right of way shall vest in said railroad company in or to any of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

The amendment was agreed to.

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

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

## TRUSTS AND COMBINATIONS.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of what is known as the trust bill, stating that at the request of the Senator from Massachusetts [Mr. HOAR] I will not ask for a final vote until to-morrow, as he desires to offer one or two amendments; but I should like to have it read now.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The Senator from Ohio moves that the Senate proceed to the consideration of the bill (S. 3445) to declare unlawful trusts and combinations in restraint of trade and production.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and insert:

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 material that competes with any similar article 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 of such articles, are hereby declared to be against public policy, unlawful, and void.

Sec. 2. That any person or corporation injured or damaged by such arrange-

ment, contract, agreement, trust, or combination may sue for and recover, in any court of 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.

SEC. 3. That all persons entering into any such arrangement, contract, agreement, trust, or combination described in section 1 of this act, either on his own account or as agent or attorney for another, or as an officer, agent, or stockholder of any corporation, or as a trustee, committee, or in any capacity whatever, shall be guilty of a high misdemeanor, and on conviction thereof in any district or circuit court of the United States shall be subject to a fine of not more than \$10,000, or to imprisonment in the penitentiary for a term of not more than five years, or to both such fine and imprisonment, in the discretion of the court. 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 this act.

Mr. SHERMAN. I move to strike out, in lines 9 and 10 of section 1, the words "competes with any similar article upon which a duty is levied by the United States, or which," and to insert in lieu thereof, after the word "that," in line 9, the words "in due course of trade;" so as to read:

Or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that in due course of trade shall be transported from one State or Territory to another, etc.

I ask for the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Ohio proposes an amendment to the amendment reported by the Finance Committee, which will be read.

The CHIEF CLERK. In lines 9 and 10 of the amendment reported by the committee, it is proposed to strike out the words "competes with any similar articles upon which a duty is levied by the United States, or which," and insert in lieu thereof the words "in due course of trade;" so as to read:

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 material that in due course of trade shall be transported from one State or Territory to another.

Mr. SHERMAN. I promised the Senator from Massachusetts to let the bill lie over until to-morrow, as he has some amendments that he desires to propose. I wish to call the attention of the Senate to the importance of the bill. I do not wish to say a word about it, but to-morrow I will call it up for final action.

Mr. HARRIS. Who desires that the bill go over until to-morrow?

Mr. SHERMAN. The Senator from Massachusetts [Mr. HOAR] desires to offer two or three amendments, and I give notice that to-morrow, when he has prepared them, I shall call up the bill.

Mr. HOAR. I will repeat, for the information of the Senator from Tennessee, that some week or two ago I gave some careful examination to this bill, desiring to make it a little more stringent in one or two particulars, and I consulted a gentleman of very high character and great legal ability, whose name I will state to the Senator from Tennessee in private. It is not necessary to state it publicly. He suggested two or three amendments which I should like to submit to the Senators having the bill in charge, which I think they will find will help to carry out their object, but by an accident I have them not with me this morning.

Mr. HARRIS. Of course there can be no objection to having the bill go over for that purpose; and the more stringent you make it the better it will suit me.

Mr. CULLOM. I was going to inquire of the Senator from Ohio whether he had made any amendment to the bill reported by his committee?

Mr. SHERMAN. The amendment is a substitute for the original bill, and contains three sections, one of which I believe was mainly taken from a bill introduced by the Senator—the punitive clause.

Mr. CULLOM. The bill reported from the committee. I was out and did not know whether the Senator made any suggestion to further amend the bill.

Mr. SHERMAN. I submitted one amendment from the Committee on Finance; and the bill will come up for further amendment to-morrow.

Mr. PLATT. Has the bill been read as amended?

The PRESIDING OFFICER. The amendment proposed by the committee, reported as a substitute, has been read and an amendment offered to it and agreed to.

Mr. PLATT. Let us have an order that the bill as now amended shall be printed in the RECORD, so that we may all see it.

The PRESIDING OFFICER. The amendment reported by the committee has not been agreed to. The Senate has not acted on that. The committee reported an amendment which was practically a substitute, and the Senator from Ohio offered an amendment to that amendment, which was agreed to. Now the question is on the amendment of the committee as amended.

Mr. SHERMAN. What the Senator desires will be done anyway, because the Secretary has read the bill, and the bill as it now stands will be printed in the RECORD to-morrow.

Mr. PLATT. That is all I desire.

The PRESIDING OFFICER. The bill will be postponed until to-morrow, if there be no objection.

STATE NATIONAL BANK OF NEW ORLEANS.

Mr. VOORHEES. I ask the Senate to proceed to the consideration of the bill (H. R. 3715) for the relief of the State National Bank of New Orleans, formerly Louisiana State Bank.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to.

Mr. DANIEL. I do not object to the Senator's calling this bill up out of order, but I beg leave to give notice now that the next bill on the Calendar I shall ask a hearing for, a bill that I have several times tried to get up out of order.

Mr. VOORHEES. I shall help the Senator all I can. I yield to the Senator from Wisconsin.

Mr. SPOONER. That bill has been read.

The PRESIDING OFFICER. House bill 3715 has been already read, and is now before the Senate as in Committee of the Whole, and open to amendment.

Mr. SPOONER. I move to insert an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 15, after the word "court," it is proposed to insert the following words:

So far as the same may be legally competent and proper under said rules and practice.

So as to read:

That the testimony and original papers filed by said bank before the Treasury Department of the United States in connection with said claim be, and the same shall be, received by said court, so far as the same may be legally competent and proper under said rules and practice, as evidence as if taken or filed under the rules of said court.

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

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Shall the bill pass?

Mr. PLATT. I desire to say that I am not in favor of the passage of this bill. I know that it has passed the Senate two or three times, and very possibly it may pass again. But I desire in some way to record my opposition to the bill. I will not call for the yeas and nays on its passage, unless other Senators feel that they desire to vote against the bill, because what I am now saying will declare my position upon it.

Without going into the facts particularly, it is a claim made by the State Bank of Louisiana, arising when it was the agent of the Confederate government, as I understand, for the purchase of cotton. It is barred by the statute of limitations. A suggestion is made on behalf of the bank, as I understand, that since the bar of the statute of limitations has run against the claim there has been a decision of the Supreme Court on the law, and that if it had known that the law was as it is now declared by the Supreme Court of the United States, it could and would have brought its case before the Court of Claims within the time required by the statute of limitations.

I may not be exact about it, but I think that is the general claim upon which the bank asks that it may go into the Court of Claims. I am opposed to removing the bar of the statute of limitations in such cases. There are a great number of these cotton cases, to say nothing about the fund of some \$10,000,000 which is now in the Treasury of the United States, derived from the proceeds of captured and abandoned cotton, upon which we shall be asked to remove the bar of the statute of limitations—and I do not think it ought to be done—to take that fund which is in the Treasury of the United States, amounting to about \$10,000,000, the proceeds of captured and abandoned cotton, for which no claim has ever been made by the parties to whom the cotton originally belonged, and who could not within the time before the statute of limitations ran make any claim according to their understanding of the law, because a requirement for making that claim was, as it was supposed, certainly upon the face of the statute, that they should be able to prove their loyalty.

Since the time in which they could bring those cases has elapsed, as in this instance, a decision of the Supreme Court of the United States has held that pardon and amnesty estopped the Government from setting up in such cases that the party was disloyal; and if we remove the bar of the statute of limitations in this case, it seems to me that no reason can be urged, when parties who were disloyal come forward to make claim for this \$10,000,000 which is in the Treasury, against removing the bar of the statute of limitations. It appears to me that if we follow precedent we shall be bound to remove the bar of the statute in those cases, that being the only thing which stands now between the Treasury and the recovery of the fund of \$10,000,000 in it as the proceeds of captured and abandoned property.

This case, therefore, is of so much importance as a precedent that I feel I ought to record my opposition to the claim and have done with it.

Mr. HOAR. Mr. President, I concur with my honorable friend from Connecticut in the opinion he has just expressed, as I do on almost every opinion he expresses in this world, so far as it is a matter of principle. I know no person more unlikely to be mistaken in a matter of