

Mr. JONES, of Arkansas. Then I have no objection. The PRESIDING OFFICER. The Senator moves that the action of the Senate in the passage of the bill be reconsidered. The motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. HARRIS. I want to enter a motion to reconsider the vote by which the pension appropriation bill was passed to-day. I simply want the motion entered.

The PRESIDING OFFICER. The Senator from Tennessee enters a motion to reconsider the vote by which the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes, was passed. The motion will be entered.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. HARRIS. While I am on the floor I will make another motion, and that is, when the Senate adjourn to-day it be to meet on Monday next.

Mr. SHERMAN. In the absence of the Senator from Maine [Mr. HALE] I object to that motion being put, and hope the Senate will not allow that to be pressed because the Senator from Maine wishes to call up the diplomatic and consular appropriation bill to-day or to-morrow.

Mr. HARRIS. I withdraw the motion for the present.

The PRESIDING OFFICER. The motion is withdrawn.

TRUSTS AND COMBINATIONS.

Mr. SHERMAN. I renew my motion.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of Senate bill 3445.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3445) to declare unlawful trusts and combinations in restraint of trade and production, the pending question being on the amendment proposed by Mr. SHERMAN, in lines 9 and 10 of the amendment reported by the Committee on Finance, to strike out the words "competes with any similar articles upon which a duty is levied by the United States, or which," and to 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.

The amendment to the amendment was agreed to.

Mr. HOAR. I move to amend, in line 11 of the substitute, by inserting after the word "another," the words "or to the District of Columbia, or from the District of Columbia to any State or Territory." The District is omitted in the enumeration of the political bodies to or from which the transportation is to be made.

Mr. SHERMAN. I have no objection to that amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated from the desk.

The CHIEF CLERK. In line 11, section 1, after the word "another," it is proposed to insert:

Or to the District of Columbia, or from the District of Columbia to any State or Territory.

So as to read:

Or which shall be transported from one State or Territory to another or to the District of Columbia, or from the District of Columbia to any State or Territory, etc.

The amendment to the amendment was agreed to.

Mr. HOAR. I now move an amendment, to come in as a second section, not as a substitute for the present second section, but preceding that, making that present second section the third section.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read as follows:

SEC. 2. If one of the purposes of any such arrangement, contract, agreement, trust, or combination shall be to compel any person, partnership, or corporation to become a party thereto, or to cease from doing any lawful business, or to sell and dispose of any lawful business, or if acts shall be done under any such arrangement, contract, agreement, trust, or combination which have for their purpose or which shall tend to compel the giving up or sale of any lawful business, the person, partnership, or corporation injured thereby may sue for and recover in any court of the United States of competent jurisdiction the damages sustained thereby of any person or corporation a party to any such arrangement, contract, agreement, trust, or combination, or of all or any number less than all of such parties, and if any purchaser of articles specified in the preceding section shall be put to additional cost by the advancing of the price of such articles by means or because of any such arrangement, contract, agreement, trust, or combination, he may in like manner sue for and recover the damages sustained, which shall in such case be estimated at the full consideration or sum paid by him for the articles so advanced in price as aforesaid.

Mr. HOAR. I think, on reflection, that the suggestion made by the Senator from Ohio is a wise one, that this proposed section had better come in after the second section as section 3.

The PRESIDING OFFICER. It will be considered as a proposed amendment to come in after section 2, and to be, if adopted, section 3.

Mr. PLATT. Let it be read once more.

Mr. SHERMAN. Before it is read I wish to say that I have read the section very carefully, and although I am not authorized, as a matter of course, in reporting this bill from the Committee on Finance to

accept it, yet I believe it does amplify and make clearer and stronger the provisions of the second section. As far as I am concerned, I shall vote for it with pleasure. It has evidently been very carefully drawn by persons who understand the matter.

Mr. BUTLER. May I inquire if this bill has been reported by a committee?

Mr. SHERMAN. It has been reported twice by the Committee on Finance with a substitute for the original bill.

Mr. BUTLER. This amendment, it seems to me from a casual reading of it, is a very important one.

Mr. SHERMAN. It has been very carefully considered.

Mr. BUTLER. I would suggest that it be printed, and that the matter go over until we can examine it.

Mr. SHERMAN. The bill was introduced at the last session, and it has been printed two or three times. It has been up before, and, after being carefully considered, went over at the request of Senators. There is not a single thing, I am satisfied, but what the Senator will heartily approve. There are three sections of the measure as reported. The first declares the principle of the common law against combinations, trusts, etc., to affect the value of articles necessary to human life. The second section authorizes any person injured by such a combination to sue for the recovery of damages, etc. The section now offered simply emphasizes that by providing for cases where the combination extends to preventing a man from carrying on his business. The third section as reported, but which will be the fourth section now, is simply a penal clause declaring that any one who violates the preceding sections shall be guilty of a misdemeanor.

Mr. SAULSBURY. If I understood the reading of the section proposed by the Senator from Massachusetts aright, one of its provisions was that any persons compelling another to give up his business and join with them should be liable to the provisions of the act. I inquire whether that is sufficient, whether you ought not to go so far as to say "or shall induce by offers of stock?" The object, I suppose, is to break up these combinations, and if you limit the prohibition simply to cases of compelling persons to give up their business you do not cover proceedings by which persons are brought into combinations by being induced to give up their business. Why not after the word "compel" insert "or who shall induce?"

Mr. HOAR. It seems to me that language would apply not only to a harmful but to a meritorious arrangement. That was the difficulty with the bill of the Senator from Texas [Mr. REAGAN], which would prevent lawful partnerships from uniting for a proper purpose. If there be a railroad from Wilmington toward Dover and a separate railroad leading from Dover southward, it could transact business for the public in Delaware more cheaply by having one president and one treasurer, one salaried officer instead of two. It would be for the public convenience that such companies should unite. So a mere agreement to induce them to unite, putting no constraint or compulsion on them, should not be prohibited.

Mr. SAULSBURY. This applies to trusts, so that parties engaged in the same business shall not absorb the whole business by some means. Now, I understand that sometimes by use of force men are compelled by threats to give up their own business and become parts of the combination.

Mr. HOAR. That may be. The Senator, as I understand, asks why in my amendment—I do not undertake to speak for the Senator from Ohio in regard to the general bill—I did not put in the word "induce?" It was because I supposed the mere inducing such things as I suggested is strictly lawful and may be proper and meritorious.

Mr. SAULSBURY. But if they come to offer a share—

Mr. SHERMAN. If the Senator will read the first section he will find that it provides—

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.

In other words, it sets out in the most specific language the rule of the common law which prevails in England and this country, especially declared by the supreme court of the State of New York in a very clear and able opinion, which I have here on my desk. That section makes such agreements and combinations unlawful, and it goes as far as the Constitution permits Congress to go, because it only deals with two classes of matters: contracts which affect the importation of goods into the United States, which is foreign commerce, and contracts which affect the transportation and passage of goods from one State to another. The Congress of the United States can go no farther than that. It is not claimed by anybody it can. So that covers the whole thing.

The second section provides that any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination may bring an action for damages. If any combination should be made to strike down any particular person or corporation, if that

person or corporation should be injured by the combination, he or it can sue in the courts and recover according to the language of the bill.

Then the section now offered simply provides for cases where a corporation seeks to compel other corporations or persons to enter into combinations, etc. If they enter into them willingly by persuasion or inducement, as the Senator from Delaware suggests, the case is covered fully by the first section, and the section now offered simply aims to protect a weak person from being compelled by surrounding circumstances, by force or violence, or by threats or intimidation against being forced into a combination of this kind.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

Mr. PLATT. I asked some little time ago that the amendment might be again reported.

The PRESIDING OFFICER. The amendment will be again read.

Mr. REAGAN. Is this an amendment to the amendment?

Mr. PLATT. A new section after section 2.

Mr. REAGAN. But as an amendment to the sections of the bill as reported by the committee. I have not heard the committee amendment read yet.

The PRESIDING OFFICER. That was read a day or two ago, the Chair will inform the Senator. The amendment of the Senator from Massachusetts will be again reported.

The Secretary read the amendment of Mr. HOAR.

Mr. REAGAN. Mr. President, I do not wish to be out of order, but I desire to call attention, if it is in order, to the section. Was the amendment reported by the committee adopted as part of the bill? Is it incorporated, or is this an amendment preparatory to the incorporation of the amendment of the committee?

The PRESIDING OFFICER. The amendment reported by the Committee on Finance is now pending, being a substitute for the original bill, and this is an amendment to that amendment.

Mr. REAGAN. I wish to call the attention of the Senator from Ohio and the Senate to the language of the first section of the amendment reported by the committee.

Mr. SHERMAN. Will not the Senator wait until the pending amendment is disposed of? That is a separate section.

Mr. REAGAN. I will wait until action is taken upon the amendment, and then I desire to call attention to the first section.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts [Mr. HOAR].

Mr. HARRIS. I should like the attention of the Senator from Massachusetts. I suppose the power that Congress has over the subject-matter of this bill is derived chiefly, if not entirely, from the power to regulate foreign and interstate commerce. On listening to the amendment as read, I do not see any provision in it that applies it especially to such commerce as either foreign or interstate.

Mr. HOAR. It docs. It is there.

Mr. HARRIS. I have only heard it read, and it may be that my ear did not catch the description; but if it is not there, it seems to me it ought to be there.

Mr. SHERMAN. It refers to the arrangements, contracts, agreements, etc., described in the first section of the bill.

Mr. HARRIS. That may correct the defect which had occurred to me.

Mr. HOAR. "If one of the purposes of such arrangement"—the arrangement being an arrangement previously described in the foregoing section of the bill—

Mr. HARRIS. And that previous description applies to foreign and interstate commerce?

Mr. HOAR. Yes.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts to the amendment of the Committee on Finance.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. If there be no objection, section 3 will be changed to section 4.

Mr. EUSTIS. I would ask the Senator from Ohio whether this proposed law is to apply, as I understand it, only to future trusts, or whether he desires that it shall be applied to existing trusts? The reason I ask the question is this: A great many of these trusts are already in existence. That is the evil which, as I understand, is to be reached by this new legislation. I do not think the provisions of the bill as it stands apply to existing trusts. They are combinations or agreements, it is true, but the first section says "made," of course meaning "made after the passage" of the act. I call the Senator's attention to the fact that the first section contains no sanction—that is, there is no penalty attached. It simply is a declaration that these trusts are void. In the other section, where a penalty is provided, that applies only to future trusts. Therefore in order that this proposed law shall cover existing trusts as well as future trusts, I shall offer the following amendment:

That any person who thirty days after the passage of this 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.

That is, the fourth section as it now stands.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana [Mr. EUSTIS].

Mr. SHERMAN. As far as I can perceive, I think that the continuing agreement, arrangement, combination, etc., such as described in the first section will become illegal on the passage of this act and not before. Our laws can not be made retroactive. But I do not see myself any objection to making the continuance of a combination like this after proper days' notice an offense. I think, however, thirty days' notice is too short because a law of this kind ought to have a broad circulation before it becomes operative.

Mr. EUSTIS. I will accept any reasonable change in regard to the number of days.

Mr. SHERMAN. I am not at liberty to accept any amendment on behalf of the committee, but I should be inclined to vote for it if the Senator should say six months or a year.

Mr. EUSTIS. Say "ninety days."

Mr. SHERMAN. I would say six months or a year, because I do not think anybody ought to be charged with an offense of this kind with such severe consequences until he has had ample notice. A year would answer just as well.

Mr. HARRIS. Ninety days is certainly sufficient for every man to be informed as to the state of the law.

Mr. SHERMAN. Very well.

Mr. HARRIS. And the shorter the time that immunity is given to offenders such as these, the better.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana [Mr. EUSTIS] as modified.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. This amendment will be section 5, if there be no objection.

Mr. PLATT. Let the amendment which has just been agreed to be read again.

The Secretary read as follows:

Sec. 5. That any person who ninety days after the passage of this law shall act as manager, officer, trustee, or agent of any trust or combination as described in the first section, shall be liable to the penalties of the fourth section.

Mr. PLATT. I ask whether there is any distinction between these several words "arrangement," "contract," "agreement," "trust, or combination," and if there is, to suggest that section 2 only applies to what may be done under a combination and not to what may be done under an arrangement, agreement, or trust; and the amendment which has just been adopted only applies to what may be done under a combination or a trust, and has no reference to the other words which are used in section 1, "arrangement," "contract," "agreement."

I do not know that there is anything in the suggestion, but if not, why are all those words used in the first section? The second section is this:

Sec. 2. That any person or corporation injured or damaged by such arrangement, 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 price paid by him for any goods, wares, and merchandise included in or advanced in price by said combination.

Mr. EUSTIS. That is not part of the section I offered.

Mr. PLATT. I know, but that uses only the word "combination." The Senator's amendment uses one other word, "combination or trust."

Mr. EUSTIS. "As described in the first section," where there is a full description.

Mr. PLATT. The second section does not even refer to the first section.

Mr. EUSTIS. I have not referred to the second section at all.

Mr. PLATT. I merely make this suggestion: If there is any difference between the legal definition of those words as used in the first section, they ought all to be employed in the second section and also in the Senator's amendment.

Mr. EUSTIS. My amendment does not refer to the second section at all. It refers to the first section.

Mr. PLATT. Let it be again read.

The PRESIDING OFFICER. The amendment of the Senator from Louisiana will be again read.

Mr. EUSTIS. It refers to the first section. I have no objection to the insertion of the words, but the first section defines specifically what this act prohibits. It was not necessary to insert the other words in my amendment. I am perfectly willing to have them inserted.

The PRESIDING OFFICER. The amendment last adopted will be read.

The Secretary read the amendment of Mr. EUSTIS.

Mr. PLATT. Now let me say—

Mr. EUSTIS. I will amend the amendment, with the Senate's permission, by including the other words, "arrangement, contract, agreement, trust, or combination," as described.

Mr. PLATT. If there is any legal difference, the subsequent sections ought to include all the words in the first.

The PRESIDING OFFICER. Is there any objection to the modification suggested by the Senator from Louisiana? The amendment already voted on will be considered not agreed to, and the Senator from Louisiana modifies it as indicated, by the insertion of the words reported. His amendment will now be read as amended.

Mr. EUSTIS. Put in the words "arrangement, contract, agreement, trust, or combination."

The PRESIDING OFFICER. The amendment will be read as modified.

Mr. PLATT. While the change is being made, I want to make my point clear, if I can, to the Senator from Ohio, because it seems to me that the act ought to be perfected, and my suggestion applies as well to the second section as to the amendment offered by the Senator from Louisiana.

The first section describes several different things, I suppose—if it does not, then the superfluous words ought to be stricken out—"arrangement, contract, agreement, trust, or combination." If it means trust and combination simply, and is not intended to go any further, then the words "arrangement, contract, agreement" ought to be stricken out; but if it is intended to go further than reaching what are technically known as trusts and combinations, then those words, as it seems to me, ought to be inserted in line 5 and line 8 of section 2, which reads:

SEC. 2. That any person or corporation injured or damaged by such arrangement, 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.

If there is any technical distinction between these words, the second section does not permit a party injured to recover damages from anybody except a party to a combination. If he is a party to an agreement, an arrangement, a contract, or a trust which does not amount in legal definition as it shall be determined by the court to be a combination, then there is no liability.

The PRESIDING OFFICER. The amendment of the Senator from Louisiana will now be read as modified.

The Secretary read as follows:

SEC. —. That any person who, ninety days after the passage of this law, shall act as a manager, officer, trustee, or agent of any arrangement, contract, agreement, trust, or combination as described in the first section, shall be liable to the penalties prescribed in the fourth section.

The amendment was agreed to.

Mr. REAGAN. Mr. President—

Mr. HARRIS. If the Senator from Texas will yield to me a moment I simply want to renew a motion which I made half an hour ago and withdrew, and that is that when the Senate adjourn to-day it be to meet on Monday next.

Mr. HOAR. I hope that will not be put now when there are so very few Senators present. Let us have the judgment of the Senate upon that matter and not the judgment of half a dozen.

Mr. SHERMAN. I think that will be better. There are some reasons why there ought to be a session to-morrow.

Mr. HARRIS. I do not know of any.

Mr. HOAR. There is a great deal of undisposed-of public business.

Mr. SHERMAN. I think we had better wait until the Senator from Maine [Mr. HALE] comes in.

Mr. HARRIS. I saw the Senator from Maine a moment since and he has no objection to, but he favors, the adjournment over.

Mr. SHERMAN. If I can convenience the Senator from Tennessee when I have an opportunity of seeing the Senator from Maine, I will agree to it. I shall leave it to him.

Mr. HARRIS. I withdraw the motion on the suggestion of the Senator from Ohio.

Mr. REAGAN. I think it is to be regretted that a measure of this great importance should come up as an amendment to an appropriation bill. It is unquestionably a subject-matter that deserves the earliest and most careful consideration.

The PRESIDING OFFICER. Does the Chair understand the Senator to say it comes up on an appropriation bill?

Mr. REAGAN. I understand so.

The PRESIDING OFFICER. The Senator is mistaken. This is an independent bill reported by the Committee on Finance. It is the bill (S. 3445) to declare unlawful trusts and combinations in restraint of trade and production.

Mr. REAGAN. Very well. I misunderstood it, then.

Mr. SHERMAN. If the Senator will look at the head of the bill he will see.

Mr. REAGAN. I see; but I was misled by our considering an appropriation bill, and I had not noticed that it was disposed of.

Mr. SHERMAN. This bill has been here now for almost a year.

Mr. REAGAN. I understand. I desire to call attention to the language contained in the first section because it is a matter of very great moment. There are some things which we have the power to do and some things, I take it, that we have not the power to do. The first section provides—

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—

That is all right; then it proceeds—

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.

That language evidently rests upon the idea that we obtain jurisdic-

tion over this question by virtue of the revenue policy of the United States, which it seems to me is a great mistake. If we have the power to deal with this subject, it seems to me it must be under the clause of the Constitution authorizing Congress to regulate commerce among the States and with foreign countries. If I am right as to that, then the language which I last read and which I will reread seems to me to be unwarranted and I fear it would be inoperative; that is:

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.

That would extend the jurisdiction of Congress, if it could be made effective, to all such combinations, arrangements, agreements, or trusts made wholly within a State and made with reference to commerce wholly within a State. I do not think the courts would give effect to such a provision, nor do I think it would be safe for the Senate to attempt to do what it appears to me is clearly not within the power of Congress. If the language were changed so as to read (I do not know that this precise language is the proper phraseology, but I suggest it as an improvement):

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—

Then these new words I would suggest—

Or for transportation from State to State, or to or from a foreign country, or within the District of Columbia, or any of the Territories of the United States.

And then I would proceed with the language of the bill:

And all arrangements, contracts, agreements, trusts, or combinations.

The PRESIDING OFFICER. If the Senator from Texas will permit, the Chair will suggest that amendments have already been adopted probably covering the same ground about which he is speaking. The Chair will have the amendments read for his information.

Mr. REAGAN. I shall be obliged to the Chair for having that done.

The PRESIDING OFFICER. The Secretary will read the amendments agreed to.

The SECRETARY. In section 1, line 9, after the word "that," the words "competes with any similar article upon which a duty is levied by the United States, or which" have been stricken out, and the words "in due course of trade" inserted; and 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" have been inserted; so as to make the section 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, or to the District of Columbia, or from the District of Columbia to any State or Territory, 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.

Mr. REAGAN. I think it likely that that covers the idea I had in view, but I am not entirely certain of it. Not having been present when that action was taken is my apology for presenting the amendment which I intended to suggest to cover the difficulty. If the Senator from Mississippi [Mr. GEORGE] thinks that covers the difficulty, I am satisfied.

Mr. GEORGE. The Senator is mistaken about my supposing that the amendment covers the difficulty. I called his attention to the amendment so that he might discuss the bill as it stood. I do not think it removes the difficulty by any means.

Mr. REAGAN. I misunderstood the Senator, then. That would leave in the bill the words "or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material" that are transported. I do not feel able to determine at this time whether the language there covers the idea that I have presented or not. I have not had an opportunity to consider the subject, was not present when it was up before, and did not know it would be up this morning, or I should have been prepared for it.

Mr. PLATT. I suppose at 2 o'clock another matter comes up, and if this bill is to go over I should like to suggest and have printed the following amendments to it: After the word "into," in line 1 of section 3—

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the special order for this hour, which will be stated.

The SECRETARY. A bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

Mr. PLATT. I hope the Senate will allow me to suggest some amendments to the bill which has been under consideration, which I desire to have printed.

Mr. PLUMB. If the Senator will allow me to make my motion, I shall then take into account the convenience of himself and the Senator from Ohio. I move that the Senate proceed to the consideration of House bill 11651, being the District of Columbia appropriation bill.

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

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes.

Mr. PLUMB. Now, I want to say about the bill which was under consideration that I do not desire to interpose the appropriation bill so as to prevent that from being considered if the appropriation bill can be disposed of this afternoon; but I feel that it having been considered on a previous day and for reasons which occur to every Senator, it ought to be disposed of to-day without any doubt.

Mr. PLATT. What I was asking was that I might now submit some proposed amendments to the trust bill to be printed.

Mr. PLUMB. I will consent to the appropriation bill being temporarily laid aside in order to allow the Senator to propose his amendments.

The PRESIDING OFFICER. The Senator from Connecticut proposes to amend the trust bill which has been under consideration.

Mr. PLATT. With the idea of having the amendments printed. In section 3, line 1, after the word "into," I move to insert "or engaged in the execution of," and after the word "under," in line 4, to insert "whether the principal is an inhabitant of or established in the United States, or is an inhabitant of or established in a foreign country."

I should like to have that printed if the bill is going over.

Mr. STEWART. I should like to offer an amendment to be printed.

The PRESIDING OFFICER. The Chair would suggest as the bill is going over that as it now stands it had better be reprinted and then the amendments be printed as proposals to be offered to it.

Mr. STEWART. I will read the amendment I propose. It is as follows:

That any person may deposit at any mint or assay office of the United States either gold or silver bullion, or both, in quantities of not less than 5 ounces of gold or 80 ounces of silver, and demand and receive coin certificates therefor at the rate of \$1 in certificates for 25.8 grains Troy weight of standard gold, nine-tenths fine; and at the rate of \$1 in certificates for 412½ grains Troy weight of standard silver, nine-tenths fine.

The coin certificates issued under the provisions of this section shall be of such denominations as the Secretary of the Treasury shall prescribe: Provided, That they shall not be of less denomination than \$1 or more than \$1,000, and that one-half of the amount issued shall be in denominations less than \$50, and shall be redeemable in gold or silver coin at the option of the United States. And the Secretary of the Treasury shall cause to be coined from time to time such portions of the bullion deposited under the provisions of this section as may be necessary to enable him to furnish coin for the redemption of such certificates.

The coin certificates issued under the provisions of this section shall be a legal tender at their nominal value for all dues, public and private, except where otherwise expressly stipulated in contracts heretofore made, and when such certificates shall be received for public dues they shall be reissued. And a sufficient sum to carry out the foregoing provisions of this section is hereby appropriated out of any money in the Treasury not otherwise appropriated. And the provision in section 1 of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard dollar and to restore its legal-tender character," which requires the Secretary of the Treasury to purchase at the market price thereof not less than \$2,000,000 worth of silver bullion per month, nor more than \$4,000,000 worth per month of such bullion, is hereby repealed.

The PRESIDING OFFICER. The trust bill as it has now been agreed to will be reprinted, and the amendments will be printed as proposed by the respective Senators who offered them.

Mr. SHERMAN. That being done, I wish to give notice that when this bill is taken up the next time, I do not care whether it is against the Lord's Prayer or the Ten Commandments, I shall move and insist upon it that it shall only be displaced by the will of a majority of the Senate, and with all due deference not to be defeated by counter-propositions in no way relating to the subject-matter, but that it shall be fairly tested if possible. I do think this bill is absolutely necessary in the present condition of the business of this country, and I intend, if possible, to get a vote of the Senate upon it. I can not object, of course, to its going over now, as an appropriation bill is pending.

DISTRICT APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes.

Mr. CULLOM. I wish to offer an amendment to the bill now, as I am a member of a conference committee which is waiting my presence in the committee room. I desire to offer the amendment so that it may be taken up at the proper time as an amendment to the bill. It is on page 8, line 25, to insert:

To pave C street northeast, from Eighth street eastward, \$5,000.

I should like to have that amendment inserted. I desire to state that the Senator from Colorado [Mr. TELLER], who is called away

upon a mournful occasion, left this with me and asked me to offer it as an amendment to the bill under consideration. I hope it will be adopted, although I shall not be able to remain here till it is considered, unless it is disposed of at this time.

NEBRASKA LAND DISTRICTS.

Mr. PADDOCK. I ask the Senator from Kansas to yield to me for about five minutes to call up a most important local bill for my State, which I desire to have acted upon.

Mr. PLUMB. I will yield if it does not take over five minutes.

The PRESIDING OFFICER. The appropriation bill will be temporarily laid aside, if there be no objection.

Mr. EDMUNDS. Let us know what bill it is.

Mr. PADDOCK. I move that the Senate proceed to the consideration of Order of Business 2524, being the bill (S. 3810) to establish two additional land districts in the State of Nebraska.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let it be taken up subject to objection.

The PRESIDING OFFICER. Subject to objection, the bill will be read.

The bill was read, and, by unanimous consent, considered as in Committee of the Whole.

Mr. PADDOCK. In line 12, section 2, I move to strike out the word "Territory" and insert "State."

The amendment was agreed to.

The PRESIDING OFFICER. The same amendment will be made in line 4 of the section.

Mr. PADDOCK. Yes, sir; that should be done.

The PRESIDING OFFICER. That amendment will be made.

Mr. EDMUNDS. I wish to ask the Senator from Nebraska if this scheme of these two land districts is recommended by the Department of the Interior?

Mr. PADDOCK. The bill was drawn in the Department of the Interior, and the boundaries fixed by the Commissioner of the General Land Office. There was a bill presented by myself, considered by the committee, and referred to the Land Office for its opinion, and it was reported back by the Land Office with the recommendation that the boundaries be fixed as described in this bill. To meet this view of the Department this bill was reported as a substitute for the original bill.

Mr. EDMUNDS. Then I understand the Interior Department think that this legislation ought to occur?

Mr. PADDOCK. Yes, sir; I think so.

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.

DISTRICT APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes.

Mr. PLUMB. The amendment pending is that offered by the Senator from Missouri [Mr. VEST].

The PRESIDING OFFICER. Shall the amendment of the Senator from Illinois [Mr. CULLOM] be acted upon now?

Mr. PLUMB. It might as well be, I think.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. At the end of the amendment already adopted, after line 25, on page 8, it is proposed to add:

To pave C street northeast, from Eighth street eastward, \$5,000.

The amendment was agreed to.

Mr. DAWES. I offer the following amendment to follow the one just adopted:

To pave T street northwest, from Ninth to Vermont avenue, \$5,000.

The amendment was agreed to.

Mr. EDMUNDS. Is there any amendment pending?

The PRESIDING OFFICER. The amendment of the Senator from Missouri [Mr. VEST] is now pending, and will be read.

The SECRETARY. On page 12, line 2, after the word "dollars," it is proposed to insert:

All street-railway companies or persons operating or having tracks or road-beds on the streets of the city of Washington shall cause said rails and road-beds to be relaid with the flat grooved rail and made level with the surface of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks.

The cost of making the changes herein required shall be paid by the corporations or persons owning or operating said street railroads, and if, after being notified by the commissioners of the District of Columbia in writing to comply with the terms of this act, the said corporations shall not within thirty days thereafter begin the work required and complete the same within a reasonable time, it shall be the duty of the commissioners to cause the necessary changes in said rails and road-beds to be made, and the cost thereof shall be collected from the corporations or persons, respectively, owning or operating said street railroads, by suit in the name of the United States, to be instituted by the United States attorney for the District of Columbia against said corporations or persons in the supreme court of the District of Columbia.

Mr. DAWES. One moment—