
UNITED STATES v. ADDYSTON PIPE & STEEL CO.

**IN THE UNITED STATES CIRCUIT COURT FOR THE
SOUTHERN DIVISION OF THE EASTERN DISTRICT OF
TENNESSEE.**

Civil No. 539.

[February 12, 1897. Present and presiding: Hon. C. D.
CLARK, Judge.]

UNITED STATES
VS.
ADDYSTON PIPE & STEEL CO. ET AL.

FINAL DECREE.

This cause came on to be heard on the 25th day of January, 1897, when the district attorney moved the court for leave to dismiss the amended petition filed in this cause, which motion was granted, and it was thereupon ordered that said amended petition be dismissed.

The district attorney further moved the court to strike from the file the demurrer of the defendants because filed after obtaining leave of the court for further time in which to answer, and no leave of the court was given to file the demurrer. The motion was overruled, to which exception was taken. The district attorney also moved the court to strike from the file the demurrer of defendants because overruled by the answer, as they had answered as to the same matters contained in their demurrer. This motion was also overruled, to which exception was taken. The cause was thereupon heard upon application for injunction as prayed in the original bill, which hearing was by stipulation of the parties treated as to a hearing upon the merits, and the cause was thereupon heard upon the petition of the United States, the demurrer and answer of the defendants, the affidavits filed by plaintiff and defendants, from all of which the court was of opinion that the plaintiff was not entitled to the injunction prayed for; that the merits of the petition were fully met and denied by the answer, and were not sustained by the proof, the court being of the opinion that the association between defendants was not a contract or combination in restraint of trade, or monopoly of trade and commerce, under the act of Congress of July 2, 1890.

It was therefore ordered, adjudged, and decreed that the petition filed against the defendants be dismissed, and that petitioner pay the costs of this cause.

In the event this case be appealed, the clerk will copy the affidavit of M. L. Holman into the record, with the

other evidence of the petition, the same having been read on the hearing but not attached as an exhibit to the petition for contempt.

Petitioner, by James H. Bible, the district attorney, then and there excepted to the decree of the court denying it relief against the defendants and denying it an injunction according to the prayer of its petition.
