

IN THE DISTRICT COURT OF THE UNITED STATES

Northern District of Illinois

Eastern Division.

UNITED STATES OF AMERICA,
Complainant,

-vs-

BOARD OF TRADE OF THE CITY
OF CHICAGO, et al.
Defendants.

Now come the defendants, and file the following assignments of error, upon which they rely for grounds of reversal on appeal in the above entitled cause:

1. That the District Court erred in striking from the Answer of the defendants Paragraph VI thereof.

2. That the District Court erred in sustaining the objections to questions addressed to the witness Eckhardt, whose purpose was to show that prior to the adoption of the Rule in question, certain shippers or dealers of grain in the Chicago market were getting rebates from railroads, and that this was one of the reasons which led to the adoption of the rule.

3. That the District Court erred in sustaining an objection to the questions to the witness Eckhardt, asking whether the witness thought that the rule in question operated as a restraint of trade or restraint of competition.

4. That the District Court erred in granting the motion of the plaintiff to strike from the evidence of the witness Dunn, that prior to the establishment of this Call rule the

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Big "Line" houses, meaning houses which owned elevators along the lines of railroad, would drive others out of business, one at a time, by paying an outside price.

5. That the District Court erred in sustaining an objection to a question put to the witness Hubbard, asking whether he had found that the Call rule, when in operation, had a prejudicial effect upon the freedom of competition.

6. That the District Court erred in finding, as it did in the First paragraph of the decree, that the defendants were parties to a combination or conspiracy in restraint of trade.

7. That the District Court erred in not entering a decree dismissing the bill for want of equity.

8. That the District Court erred in entering a decree in favor of petitioner.

9. That the District Court erred in including within the injunctive or ordering part of the decree members of the Board of Trade of the City of Chicago, or persons acting, or claiming to act, for or on behalf of any such members.

10. That the District Court erred in not confining the decree to an injunction restraining the enforcement of the rule set out in the decree, and the acting upon or adopting of any similar rule or practice.

11. That the decree is erroneous in that it enjoins future acts of the defendants and others respecting the fixing of prices which are in no way similar to, or like, the rule or practice set out in the petition.

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12. That the decree is erroneous in requiring the Secretary of the Board of Trade to send a copy thereof to each member of the Association.

13. That the decree is erroneous in not excluding from its effect or operation a rule of the Board in force at the time of the trial, and with respect to which the attorney for the complainant expressly disclaimed any intention of having the court adjudicate.

Henry D. Robbins
Counsel for Defendants.

cc
C. S. Dwyer

~~Spokane~~

~~Central State Bank~~

~~State of Oregon~~

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~~Bank of America~~

~~State of Oregon~~

PAID

RECEIVED

HENRY S. ROBBINS
HOME INSURANCE BUILDING
CHICAGO