

An Equity Number 8

In the District Court of the
United States in District of

United States of America

Board of Trade of Chicago
et al

Answer

FILED

MAY 1913

AT _____ O'CLOCK _____ M.

Chas. H. Miller

HENRY S. ROBBINS
HOME INSURANCE BUILDING
CHICAGO

Dep 10.00 ch

5/7/13

C. Y. S.

IN THE DISTRICT COURT OF THE UNITED STATES

Northern District of Illinois.

UNITED STATES OF AMERICA

Petitioner,

-vs-

BOARD OF TRADE OF THE CITY
OF CHICAGO, and others,

Defendants.

(
)
(IN EQUITY.
)
)
)
(

THE ANSWER OF ALL THE DEFENDANTS.

Now come the defendants, Board of Trade of the City of Chicago, Edward Andrew, Frank B. Rice, Albert E. Cross, J.E.Cunningham, David S. Lasier, Leslie F. Gates, John Carden, Robert McDougall, Joseph Simons, Adolph Gerstenberg, Benjamin S. Wilson, L. Harry Freeman, George B. Quinn, John A. Rogers, John R. Mauff, and William L. Gregson,, and for answer to so much of said bill as they are advised it is necessary or material for them to make answer to, say:

I. That defendants admit that the Board of Trade of the City of Chicago is a corporation, as alleged in said bill, and has the charter powers therein alleged, and that the objects of said Association are stated in its rules, and are as alleged in said bill; and that by its rules the government of said corporation is vested in such officers and directors, and that the defendants (other than said Board of Trade) are at the present time its officers and directors, as alleged in said bill; and that all of the business and financial concerns of the association are managed and conducted in

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accordance with its charter, rules and bylaws under the direction of its said board of directors, and that its rules provide for the admission of persons to membership in the manner alleged in said bill, and defendants aver that a copy of said rules are attached to this answer and made a part hereof as Exhibit "A".

II. That defendants admit that said Board of Trade has established and now maintains in said city of Chicago a commercial exchange as alleged in said bill, and that it has more than 1500 members, some of whom transact each of the different kinds of business described in said bill, and that in the conduct thereof said members are required to comply with said rules so far as they apply to said business of said members, and that said Board of Trade has become and is a great commercial center for the transaction of business in wheat, corn, oats, rye and other grain; but these defendants deny that said Board of Trade dominates or controls the market in grain either as to the amount sold or shipped from other states to Illinois, or as to the prices thereof throughout a large part of the State of Illinois or the States adjoining.

III. These defendants aver that said Board of Trade does not itself buy or sell any grain or other commodity, or otherwise engage in trade - its only business being that of providing a place in the city of Chicago where its members may advantageously meet to contract with each other respecting the purchase and sale of grain and provisions, and that to that end said Board of Trade has enacted and enforces (against its members only) certain rules governing the conduct of its members in said exchange room and in their relations to each other.

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and to their customers, and also respecting the contracts and transactions made by its members either for themselves or as agents for others.

That the principal business of its members is that of making with each other contracts and transactions for the purchase and sale of grain and provisions for present and future delivery, and that said contracts for present delivery relate to and cover grain, which has already arrived in Chicago - much of it having been theretofore consigned by the owners thereof from other places within and without the state of Illinois to members of said Board of Trade in the city of Chicago for the purpose of being there sold upon such exchange by said members as the agents of said owners -, and that said contracts for future delivery in many instances relate to grain, which at the time of making of the contracts relating thereto is either in transit to Chicago or is by the owners thereof after the making of said contracts shipped to Chicago, for the purpose of being there delivered upon said contracts for future delivery, and that for the purpose of facilitating said purchases and sales for future delivery by its members on said exchange, and creating a broader and more constant market, so that it would be practical at all times during certain hours of each business day for such members to readily buy and sell such commodities for future delivery upon such exchange, and also for the purpose of promoting the comfort and convenience of such of its members as are engaged in such trading, said Board of Trade has found it advisable and necessary to create, establish and maintain certain market hours, to-wit; between 9:30 A.M. and 1:15 P.M. - except on Saturdays when the market

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hours are from 9:30 A.M. to 12:00 M., - and to confine such future trading by its members to said market hours, and that to that end said Board of Trade many years ago enacted a rule (Rule XVI, Sec. 1), that no trades or contracts for future delivery of grain or provisions should be made or offered to be made by members of said Board of Trade in its exchange room, or in the immediate vicinity thereof at any other time than within said market hours, and provided in such rule that for any violation thereof a member should be suspended, and for a second violation be expelled, from the privileges of said association; and that the existence of said rule has been beneficial, not only in that it has made a better, more constant and broader market for members to trade in, and non-members through members as their agents to sell and buy grain and provisions upon, but also it has conduced to the health, comfort and welfare of said members, and that in thus limiting the trading by its members to such market hours it has but followed a practice and precedent established by most commercial exchange in this country as well as in Europe, among whom it has always been customary to limit to a more or less extent the hours for trading.

IV. That another kind of trading in the commodities aforesaid, which is participated in by said members upon said exchange, consists in the buying and selling of grain "to arrive", wherein owners of grain already in transit to, or about to be shipped to, Chicago, offer to sell it to members of said Board to be delivered and paid for upon its arrival in Chicago; that many such owners, who are not themselves members of said Board of Trade, employ members thereof as their agents

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to make such contracts upon such exchange with other members thereof (who are often acting as agents for other purchasers), and that a large volume of trading in grain to arrive takes place daily, and for years has taken place daily, during its market hours upon the exchange of said Board of Trade between its members.

And these defendants admit that, as applicable to such trading, and to control the conduct of its members in respect thereto, the members of said Board of Trade, in pursuance to its by-laws, on July 18, 1906, adopted as one of its rules Section 33, which is set out in the bill herein, and that said rule since the adoption thereof has been, and is now, in full force and effect, and that such members respect and comply therewith.

V. But these defendants deny that either the purpose or intent of said Board of Trade or its members in the enactment of said rule was, or is, to prevent competition among members of said Board of Trade, or the firms or corporations with which said members are connected, in dealings in oats, corn, wheat, and rye, to arrive, as alleged in said bill, or that either such purpose or intent was, or is, to fix or control the prices to be offered and paid for said wheat, corn, oats and rye to arrive, or to thereby restrain trade or commerce therein.

And these defendants further deny that the effect of said maintenance, or observance of said rule has been, or is, to fix or control arbitrarily during the time when said Board of Trade is not open for business the prices of said grain to arrive or is to impair or prevent competition among persons contracting to buy or sell grain to thereafter arrive in the city of Chicago.

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VI. That defendants aver that some years before the adoption of said rule four or five persons entered into an agreement with the members of the Chicago Board of Trade to obtain leases from the railroad companies whose lines terminated in Chicago, or otherwise, control of practically all the grain elevators in Chicago, which were used as public (Class "A") warehouses, and were conveniently located as respects rail and lake transportation, and they have since severally operated the same as such Warehouses, and have also themselves built and thereafter operated other like grain elevators, they thus together controlling practically all such public grain elevators or warehouses in Chicago, and each of them combining with his business of public elevator proprietor that of grain buyer; ~~and each such proprietor used his said elevators for the storage of grain purchased and owned by himself.~~ That this ownership by said grain dealers of said public elevators enabled them to drive out of such business other grain buyers which they did by over-bidding such other purchasers of grain and thus in effect giving away a portion of their storage charges, and that by reason of this and other advantages, which said warehousemen had by reason of ~~their~~ operating such warehouses, said warehousemen were able to, and did, acquire a practical monopoly of the business of purchasing and selling grain to arrive in Chicago, and they were thereby enabled to crush out, and they had prior to the adoption of said rule in part succeeded in crushing out, competition among buyers of grain to arrive in Chicago, and that as a result said warehousemen had, prior to the adoption of said rule, been enabled to purchase, and were purchasing, more than three-quarters of all the grain arriving in Chicago.

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That in conjunction with said terminal elevators in Chicago, said public warehousemen had, prior to the adoption of said rule, also acquired control of sundry smaller warehouses adjacent to railroads at many country places within the principal grain-producing states, and that by arrangement among themselves said warehousing business was so apportioned among them that each of them acquired and controlled exclusively the elevator system of one or more railroad lines or systems without interference therewith on the part of any of said others; and that it was also a part of such arrangement or understanding between said elevator owners that the one operating said warehouse system on any such railroad should be the only one of them to bid for grain "to arrive" in Chicago over said road; and that it was also, prior to the adoption of said rule, a frequent practice of said elevator proprietors to agree among themselves each afternoon upon the prices which all should adopt in their bids to be sent that day to persons in the country for grain "to arrive" in Chicago; and that by reason of the facts aforesaid many members of the Board of Trade - who would otherwise have joined in the bidding - ceased either to bid on said exchange for grain "to arrive" in Chicago or to send out bids therefor to the persons in the country, and ceased to solicit or accept from country shippers consignments of grain to be sold "to arrive" in Chicago; and that competition in bidding for grain "to arrive" in Chicago had, prior to the passage of this rule, become very much restricted.

Defendants aver that the only purpose or intention of said Board of Trade and its members in adopting, and of its officers and directors in enforcing, said rule - other than that of pro-

noting the convenience of the rule in extending the hours of business - was to increase competition among those engaged in buying and selling grain "to arrive" in Chicago by enlarging the number of members of said Board, who would participate in such bidding for grain "to arrive", not only upon said Exchange and among the members of said Board of Trade, but also the number of those who would send out bids to the country for grain "to arrive".

These defendants further aver that the effect of said adoption and enforcement of said rule has been, and is, to very much increase the number of members of said Board of Trade who bid upon said exchange for grain "to arrive", and of those who send out bids to owners of grain in the country; and a further effect of said rule has been, and is, that many more members of said Board of Trade are since, and because of, the existence of said rule, engaged upon said exchange in the business of receiving and selling grain "to arrive", and that this has resulted not only in better prices being obtained by those wishing to sell, in Chicago, grain "to arrive", but in providing in Chicago a broader market and more purchasers for such grain "to arrive", and that the adoption and observance of said rule has very much promoted and increased competition in said trade and thereby increased prices in said sales, and has been beneficial and advantageous to all persons connected therewith, either as buyers or sellers of grain sold "to arrive" in Chicago.

And having fully answered said bill, these defendants

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pray to be hence dismissed, with their costs in this behalf
sustained.

Board of Trade of the City of Chicago

Edward Andrew

Frank B. Rice

Albert E. Cross

J. E. Cunningham

David S. Lavier

Leslie F. Gates

John Calder

Robert M^c Dougall

Joseph Simons

Adolph Gerstberg

Benjamin S. Wilson

L. Harry Freeman

George B. Quinn

John A. Rogers

John R. Mauff

William L. Gerson

By Henry D. Hobbes
Their Counsel.

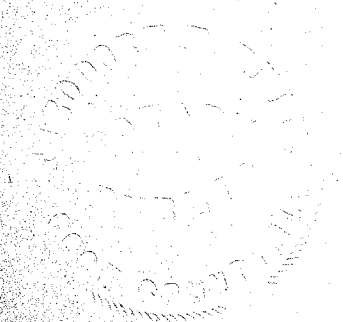
United States of America)
Northern District of Illinois) ss:
Cook County)

EDWARD ANDREW being first duly sworn, deposes and says that he is President of Board of Trade of the City of Chicago, one of the defendants named in the foregoing Answer, and as such is authorized to make this affidavit. That he has read the foregoing Answer, and knows the contents thereof, and that the same is true of his own knowledge, except as to those matters therein stated to be upon information and belief, and as to those matters, he believes it to be true.

Edward Andrew

SUBSCRIBED and sworn to before me
this 29th day of April, A D 1913.

Theodore E. Klein
Notary Public.



In Equity, No. 8

In the District Court of the United States for the
Northern District of Illinois

UNITED STATES OF AMERICA, PETITIONER

BOARD OF TRADE OF THE CITY OF CHICAGO, AND
OTHERS

PETITION IN EQUITY

JAMES H. WILKINSON,

United States Attorney

for the Northern District of Illinois

GEORGE W. WICKERHANS,

Attorney General

JAMES A. POWELL,

Attorney at the Chicago Board of Trade

WILSON JOHNSON, CLERK OF THE DISTRICT COURT

In the District Court of the United States for the
Northern District of Illinois.

UNITED STATES OF AMERICA, PETITIONER,

v.

BOARD OF TRADE OF THE CITY OF
Chicago, and others, defendants.

In equity.

*To the honorable judges of the District Court of the
United States for the Northern District of Illinois,
sitting in equity:*

Now comes the United States of America, by
James H. Wilkerson, United States attorney for
the Northern District of Illinois, acting under the
direction of the Attorney General of the United
States, and brings this, its proceeding by way of
petition, against Board of Trade of the City of
Chicago, Edward Andrew, president; Frank B. Rice,
vice president; Albert E. Cross, second vice presi-
dent; and J. E. Cunningham, David S. Lasier,
Leslie F. Gates, John Carden, Robert McDougal,
Joseph Simons, Adolph Gerstenberg, Benjamin S.
Wilson, L. Harry Freeman, George B. Quinn, John
A. Rogers, John R. Manff, and William L. Gregs-
ton, directors of Board of Trade of the City of Chi-
cago. The full names of those defendants whose

initials are given in whole or in part are unknown to petitioner.

Petitioner complains and alleges as follows:

That defendant Board of Trade of the City of Chicago is a body politic and corporate, created by special act of the Legislature of the State of Illinois approved February 18, 1859, with power and authority by that name to sue and be sued, implead and be impleaded, receive and hold property and effects, real and personal, by gift, devise, or purchase, and dispose of the same by sale, lease, or otherwise, and to make such rules, regulations, and by-laws from time to time as its members may think proper or necessary for the government of the corporation thereby created not contrary to the laws of the land.

That said act creating said defendant corporation further provides that said corporation shall have the right to admit and expel such persons as its members may see fit in the manner to be prescribed by the rules, regulations, and by-laws thereof.

That the objects of the said association, Board of Trade of the City of Chicago, as stated in its rules enacted pursuant to the provisions of said act of incorporation, are: To maintain a commercial exchange, to promote uniformity in the customs and usages of merchants, to inculcate principles of justice and equity in trade, to facilitate the speedy adjustment of business disputes, to acquire and disseminate valuable commercial and economic information, and generally to secure to its members the benefits of

cooperation in the furtherance of their legitimate pursuits.

That it is provided by said rules enacted pursuant to said act of incorporation that the government of said Board of Trade of the City of Chicago is vested in a president, two vice presidents, and fifteen directors, who, including the president and vice presidents, shall be known as the board of directors of said association; and that all of the business and financial concerns of the association are managed and conducted in accordance with the charter, rules, regulations, and by-laws of the association so made under the direction of said board of directors. That defendant, Edward Andrew, is president, Frank B. Rice is vice president, Albert E. Cross is second vice president, and defendants J. E. Cunningham, David S. Lasier, Leslie F. Gates, John Carden, Robert McDougal, Joseph Simons, Adolph Gerstenberg, Benjamin S. Wilson, L. Harry Freeman, George B. Quinn, John A. Rogers, John R. Manff, and William L. Gregston are directors of said Board of Trade of the City of Chicago.

That said rules of said association further provide for the admission to membership in said association of persons who are approved by the board of directors upon payment of an initiation fee of ten thousand dollars, or upon the presentation of an unimpaired or unforfeited membership duly transferred, and provided that as a condition to admission to membership in said association the person so applying signs an

agreement to abide by the rules, regulations, and by-laws of said association and all amendments that may be made thereto.

That said Board of Trade of the City of Chicago has established and maintains in said city of Chicago a commercial exchange for the buying and selling of grain and other commodities and for carrying on transactions connected with the purchase and sale thereof.

That there are more than fifteen hundred members of said association; that said membership consists both of those who buy and sell grain and other commodities on commission and of those who are actual purchasers and sellers thereof, and also of those who are members of firms and corporations engaged in dealing in grain and other commodities, both on commission and as actual purchasers and sellers thereof, and who, as members of said association, are bound in the conduct of the business of said firms and corporations with which they are connected, to observance of and compliance with the rules of said association.

75 That by reason of the size of its membership and the large number of firms and corporations with which its members are connected, and which, by virtue of such connection, transact their business in accordance with the rules of said association, said Board of Trade has become and is a great commercial center for the transaction of business in wheat, corn, oats, rye, and other grain. That a large portion of said business is in grain purchased in States other than Illinois for

shipment to and delivery in Chicago, and in grain shipped from points in other States to Chicago for sale in the Chicago market; which said grain is an article of commerce among the States; and that a large part of the business transacted upon said exchange maintained by said Board of Trade of the City of Chicago is in connection with the purchase and sale and handling of such interstate shipments of grain.

That said Board of Trade of the City of Chicago, by reason of the number of its members and the great extent of the business carried on by said members and by the firms and corporations with which said members are connected, which, because of such membership, are subject to the rules of said Board of Trade, dominates and controls the market for grain, both as to amount sold and shipped in interstate commerce, and price thereof, throughout a large portion of the State of Illinois and the States adjoining it.

That a part of the business of the members of said Board of Trade and of the firms and corporations with which said members are connected consists in purchasing and dealing in grain throughout the territory tributary to Chicago, which includes the States of Wisconsin, Minnesota, Michigan, Illinois, Indiana, and other States, for shipment to and delivery at Chicago, and in purchasing and dealing in grain which has been shipped from points within said territory to Chicago and which is in transit to Chicago

upon the lines of the various carriers centering therein.

That in the dealings upon said Board of Trade transactions relating to said grain which has not yet reached the Chicago market are designated as transactions in grain "to arrive." That a large portion of said shipments of said grain to arrive is from points without the State of Illinois; and that said grain throughout the course of said transactions upon said Board of Trade with reference to it is the subject of commerce among the States; and that it is the practice and course of business among the members of said Board of Trade and the firms and corporations with which they are connected and who transact their business in accordance with its rules to make purchases of said grain to arrive prior to its shipment or while it is in transit to Chicago and to contract concerning the price which is to be paid for it upon its arrival at its destination at the Chicago market.

That with reference to transactions in said grain to arrive said Board of Trade has adopted for observance in the dealings of its members and of the firms and corporations with which its members are connected the following rule:

SEC. 33. A. The board of directors is hereby empowered to establish a public "call" for corn, oats, wheat, and rye to arrive, to be held in the exchange room immediately after the close of the regular session of each business day.

B. Contracts may be made on the "call" only in such articles and upon such terms as have been approved by the "call" committee.

C. The "call" shall be under the control and management of a committee consisting of five members appointed by the president with the approval of the board of directors.

D. Final bids on the "call" less the regular commission charges for receiving and accounting for such property may be forwarded to dealers. It is the intent of this rule to provide for a public competitive market for the articles dealt in, and that with such market all making of new prices by members of this association shall cease until the next business day.

E. Any transaction of members of this association made with intent to evade the provisions of this rule shall be deemed uncommercial conduct, and upon conviction such member shall be suspended from the privileges of the association for such time as the board of directors may elect.

That said rule of said Board of Trade is now in force and effect and that all of the members of said Board of Trade have combined and are acting in concert to maintain and enforce said rule and are observing the same both in the transaction of their own business and in that of the firms and corporations with which they are connected and will continue so to do unless restrained by the injunction of this honorable court.

That the regular sessions of said Board of Trade upon business days are from nine-thirty o'clock a. m.

to one-fifteen o'clock p. m., with the exception of Saturday, and that the session upon Saturday is from nine-thirty o'clock a. m. to twelve o'clock m., and that said Board of Trade is closed upon Sundays and holidays.

That the purpose and intent of said Board of Trade and its members in the enactment of said rule, and in combining and acting in concert to maintain it, was and is to prevent all competition among the members of said Board of Trade and the firms and corporations with which said members are connected in dealings relating to corn, oats, wheat, and rye to arrive from the time of the public "call" immediately after the close of the regular session of each business day until the opening of the session of said Board of Trade upon the next business day, and to fix and control the prices to be offered and paid for said wheat, corn, oats, and rye to arrive, and thereby to restrain trade and commerce therein.

That said members of said Board of Trade have combined and conspired together and are combining and conspiring together to establish said public "call" and to maintain said rule with reference thereto as above set forth, and that the effect of said combination and conspiracy has been and is to fix and control during the periods between the regular sessions of said Board of Trade the prices to be offered and paid for wheat, corn, oats, and rye to arrive.

That said combination so to fix and control prices extends to the transactions and dealings of all of the

members of said Board of Trade and to all the firms and corporations with which said members are connected and that by reason of the large number of said members and their domination of the Chicago market the effect of said combination to observe and enforce said rule has been and is to fix and control arbitrarily during the time when said Board of Trade is not open for business, prices of said grain to arrive as above set forth; and that said combination extends not only to transactions in Chicago but to transactions throughout the entire country with respect to wheat, corn, oats, and rye to be received at Chicago and to be disposed of upon the Chicago market.

That said combination as prescribed by said rule and as above set forth is an absolute agreement to fix and control the prices of said wheat, corn, oats, and rye to arrive during the time when said Board of Trade is closed, and that but for said combination among the members of said Board of Trade, as evidenced by said rule, the members of said Board of Trade and the firms and corporations with which they are connected would, during the time between the sessions of said Board of Trade, compete with each other in fixing the prices to be paid for said wheat, corn, oats, and rye to arrive, and in sending out bids therefor, and that but for said rule and the observance thereof by the members of said Board of Trade the prices to be offered to be paid for said wheat, corn, oats, and rye to arrive would, during the time

when said Board of Trade is closed, be determined by competition.

That the regular sessions of said Board of Trade occupy only about one-half of the time ordinarily devoted to the carrying on of trade and commerce in said city of Chicago, and that the effect of the observation and maintenance of said rule is that during at least one-half of said time devoted to the carrying on of trade and commerce in said city of Chicago the prices for said wheat, corn, oats, and rye to arrive are arbitrarily determined, fixed, and controlled by said combination and agreement with reference to the prices to be offered and paid therefor.

That a large portion of said wheat, corn, oats, and rye to arrive with reference to which said rule above set forth is applied by the members of said Board of Trade and the firms and corporations to which they belong and which are covered by said rule and affected by its maintenance, consists of shipments of said wheat, corn, oats, and rye from points without the State of Illinois to said city of Chicago, and that said shipments are made and carried on over the lines of divers carriers through said northern district of Illinois, and that said combination as above set forth is a combination in restraint of interstate commerce in violation of the provisions of the act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

In consideration whereof, and inasmuch as adequate remedy in the premises can be obtained only in this

court, the United States of America prays this honorable court to order, adjudge, and decree that the combination and conspiracy hereinabove described is unlawful and that all of the acts done or to be done to carry it out are in violation of the act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies;" that said defendant, Board of Trade of the City of Chicago, and each and every member thereof, and each of the defendants to this petition may be perpetually enjoined from doing any act in pursuance of or for the purpose of carrying out said combination and conspiracy, and may be perpetually enjoined from entering into any combination or agreement fixing the bids which may be offered to dealers between the regular sessions of said Board of Trade for wheat, corn, oats, and rye to arrive, and may be perpetually enjoined from taking any steps for the enforcement of said rule of said Board of Trade above set forth, and that the petitioner may have such further relief as the nature of the case may require and the court may deem proper in the premises.

To the end, therefore, that the United States of America may obtain the relief to which it is justly entitled in the premises, may it please this honorable court to grant to it writs of subpoena directed to each and every one of defendants, commanding them and each of them to appear herein and answer, but not under oath, answer under oath being hereby expressly waived, the allegations contained in the foregoing petition, and to obey and perform such order

and decree as the court may make in the premises and upon the hearing hereof to permanently enjoin the defendants as hereinabove prayed, and pending a final hearing of this case, cause a temporary restraining order to issue enjoining the defendants and each of them and each of their officers and agents and servants as hereinabove prayed.

James H. W. Peterson
United States Attorney,
Northern District of Illinois.

Samuel R. Bushman
Attorney General.

J. A. Fowler
Assistant to the Attorney General.

UNITED STATES OF AMERICA
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN THE DISTRICT COURT THEREOF
SEPTEMBER TERM, A. D. 1915

SS.

UNITED STATES OF AMERICA,
Petitioner,

v.

BOARD OF TRADE OF THE CITY OF
CHICAGO, AND OTHERS,
Defendants.

In Equity No. _____

This cause coming on to be heard at this term and having been argued by counsel, and prior thereto testimony having been taken in open court and submitted by the parties hereto, upon due consideration IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT as follows:

1. That the defendants, namely, the Board of Trade of the City of Chicago and its officers and directors, consisting at the time of the filing of this suit of Edward Andrew, President; Frank B. Rice, Vice President; Albert E. Cross, Second Vice President; and J. E. Cunningham, David S. Lasier, Leslie F. Gates, John Carden, Robert McDougal, Joseph Simons, Adolph Gerstenberg, Benjamin S. Wilson, L. Harry Freeman, George B. Quim, John A. Rogers, John R. Manff and William L. Gregston, its directors, by adopting, acting upon and enforcing the rule hereinafter set out, became parties to a combination or conspiracy to restrain interstate and foreign trade and com-

merce in the articles corn, oats, wheat and rye by the means herein-
after specifically enjoined and in violation of the Act of Congress of
July 2, 1890, entitled "An Act to protect trade and commerce against
unlawful restraints and monopolies," and that the said Board of Trade
of the City of Chicago and its officers and directors aforesaid at
the time of and since the filing of the petition herein were and have
been parties to and engaged in such combination or conspiracy, in vio-
lation of said act.

Wherefore the defendant Board of Trade of the City of Chicago
and its members, and its officers and directors hereinbefore named
and their successors in office, and all persons acting or claiming to
act for or on behalf of or in connection with said Board of Trade of
the City of Chicago or any of its members concerning any of the matters
set forth in the petition herein, are each and all permanently enjoined
and restrained from carrying out or attempting to carry out the afore-
said combination or conspiracy, and from entering into any other like
combination or conspiracy among themselves or one with another to re-
strain interstate or foreign trade or commerce in the articles corn,
oats, wheat and rye or any of them, by means or devices similar to
those herein specifically enjoined; and are each and all permanently
enjoined and restrained--

(a) From agreeing or acting together or one with another, ex-
pressly or impliedly, directly or indirectly, for the purpose or with
the effect of maintaining a limited price or any price for the articles
corn, oats, wheat and rye or any of them, which may be arrived at by
virtue of a certain "call" rule, as set forth in the petition filed
herein and reading as follows:

"Sec. 33. A. The Board of Directors is hereby empowered to establish a public 'Call' for corn, oats, wheat and rye to arrive, to be held in the exchange room immediately after the close of the regular session of each business day.

B. Contracts may be made on the 'Call' only in such articles and upon such terms as have been approved by the 'Call' committee.

C. The 'Call' shall be under the control and management of a committee consisting of five members appointed by the president with the approval of the Board of Directors.

D. Final bids on the 'Call,' less the regular commission charges for receiving and accounting for such property may be forwarded to dealers. It is the intent of this rule to provide for a public competitive market for the articles dealt in and that with such market all making of new prices by members of this association shall cease until the next business day.

E. Any transaction of members of this association made with intent to evade the provisions of this rule shall be deemed uncommercial conduct and upon conviction such member shall be suspended from the privileges of the association for such time as the Board of Directors may elect."

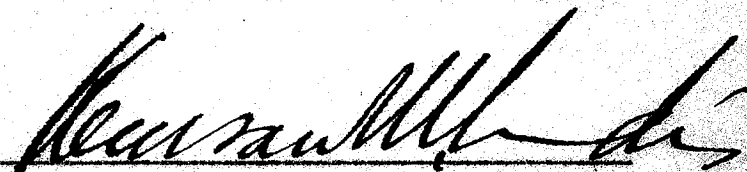
(b) From enforcing, acting upon or hereafter adopting any rule, regulation, by-law or practice or agreeing or acting together or one with another, expressly or impliedly, directly or indirectly, for the purpose or with the effect of fixing or maintaining a price on the articles corn, oats, wheat or rye for any specified time or times.

(c) From enforcing, acting upon or hereafter adopting any rule, regulation, by-law or practice or agreeing or acting together or one with another, expressly or impliedly, directly or indirectly, to the effect that members of said Board of Trade of the City of Chicago shall fix offers or bids which may be made to dealers in the articles corn, oats, wheat or rye to arrive, which said offers or bids are to be made between the regular sessions of said Board of Trade of the City of Chicago.

2. That the secretary of said Board of Trade of the City of Chicago shall furnish a copy of this decree to each member of said association.

3. That the court retains jurisdiction of this case for the purpose of entertaining at any time hereafter any applications which the parties may make with respect to this decree or with respect to any acts of the defendants thought or claimed to be in violation thereof.

4. That the petitioner have and recover from the defendants its costs.



J U D G E

Entered at Chicago, Illinois,

this _____ day of _____, A. D. 191_____.

FILE NO. 0-1

8

NORTHERN DISTRICT COURT

DISTRICT

OF THE UNITED STATES

FOR THE

NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

Petitioner,

v.

BOARD OF TRADE OF THE CITY

OF CHICAGO, AND OTHERS,

Defendants.

DECREE

Laudis, 1915
Deputy Clerk

FILED

DEC 28 1915

AT 6 O'CLOCK

M

J. C. Macmillan

CLERK

United States of America)
Northern District of Illinois) ss:
Eastern Division.)

IN THE DISTRICT COURT OF THE UNITED STATES.

UNITED STATES OF AMERICA,
Petitioner,

- vs -

BOARD OF TRADE OF THE CITY OF
CHICAGO, Edward Andrew, Frank B.
Rice, Albert E. Cross, J. E. Cunning-
ham, David S. Lasier, Leslie F. Gates,
John Garden, Robert McDougall, Joseph
Simons, Adolph Gerstenberg, Benjamin
S. Wilson, L. Harry Freeman, George B.
Quinn, John A. Rogers, John R. Manff,
and William L. Gregston,
Defendants.

O R D E R.

The above named defendants having duly filed their certain petition for appeal and assignments of error, now, on motion of counsel for defendants,

IT IS HEREBY ORDERED That an appeal to the Supreme Court of the United States, from the final decree entered herein on the 28th day of December, 1915, be, and the same is hereby allowed, and that a certified transcript of record, testimony, stipulations and other proceedings herein, be forthwith transmitted to the Supreme Court of the United States, and that defendants have sixty days from the entry of this decree in which to prepare and present to this court a certificate or statement of the evidence received or offered upon the hearing of this cause to be incorporated into the record to be retransmitted upon said appeal.

IT IS FURTHER ORDERED That defendants file, within 5 days from the entry of this order, an appeal bond, signed by

themselves, with a surety to be approved by this court, in the usual form, in the sum of \$ 500.00 , and that upon the giving of said appeal bond, the same shall operate as a supersedeas and the injunction granted in said decree shall be suspended during the pendency of this appeal.

Lawrence M. ...

OK
C. ...

Equity 8.

United States District Ct

United States of America

Board of Trade, et al

Order along
appeal

FILED

JAN 15 1911

AT THE COURT HOUSE

J. C. Deane

HENRY S. ROBEINS

HOME INSURANCE BUILDING

CHICAGO

United States District Court, Northern District of Illinois.

Cause No. 8

(Date) Jan 26. 1915

Title of Cause 111

Brief Statement of Motion

Chicago Board of Trade of City Chgo
111

on file
111
111

Name of moving Counsel

Representing

Name of opposing Counsel (if any)

Evidence for Compt. Concluded
Evidence for Defendant they heard
had adjournment until Jan 27

111
Jan 26/1915
J. Maerz

10 am

Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.

United States District Court, Northern District of Illinois.

Cause No. 8 / 105

(Date) Jan 27 1915

Title of Cause

Chicago Board of Trade of City of Chicago

Brief Statement of Motion

aff. writ
W.I.

Original

Name of moving Counsel

Representing

Name of opposing Counsel (if any)

Evidence of Defendant

Am

FILED

JAN 27 1915

AT.....O'CLOCK

Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.

United States District Court, Northern District of Illinois.

Cause No. 8 Equity ✓

(Date) May 13, 1913

Title of Cause United States v. Board of Trade, City of Chicago, Edw. Andrew, Pres., Frank B. Rice, Vice-Pres., Albert E. Cross, 2d Vice-Pres., and J. E. Cunningham, David S. Lasier, Leslie F. Gates, John Garden, Robert McDougall, Joseph Simons, Adolph Gerstenberg, Benj. S. Wilson, L. Harry Freeman, Geo. B. Quinn, Jno. A. Rogers, John R. Maff and Wm. L. Gregson, directors of Board of Trade of the City of Chicago.

Brief Statement of Motion

To set for trial.

Name of moving Counsel

James H. Wilkerson, Esq., U. S. Atty.

Representing

Name of opposing Counsel (if any)

Immovable

*Motion to set for trial
ent'd board for May 15
10 30 am*

FILED

MAY 13 1913

AT 10 O'CLOCK A.M.
ab. Newell CLERK

and this memorandum to the Clerk.

United States District Court, Northern District of Illinois.

Cause No. 8 / 15 (Date) July 28-1915

Title of Cause Board of Trade of City of Chicago

Brief Statement of Motion }
Mo. mts

~~Mo. mts~~
Rebuttal mts

Name of moving Counsel Representing }

Name of opposing Counsel (if any) }

Evidence for Mo. concluded
Evidence of Rebuttal in rebuttal
Argts -

Adjournment until July 29

FILED

AT J. C. O'Connell JAN 28 1915
Hand this memorandum to the Clerk.

Address the Court until motion has been called.

United States District Court, Northern District of Illinois.

Cause No. 8

(Date) Jan 29 1915

Title of Cause

US

Brief Statement of Motion

*Board of Trade of City of Chicago
vs
M. Friedman*

Name of moving Counsel

Representing

Name of opposing Counsel (if any)

*Argument Concluded &
advised.*

FILED

JAN 29 1915

AT.....O'CLOCK.....
J. C. Macmillan
CLERK

Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.

United States District Court, Northern District of Illinois.

Cause No. Equity # 8

(Date) November 14, 1914

Title of Cause U. S. vs. Board of Trade of City of Chicago

Brief Statement of Motion

Motion to have order entered *in* pro
tunc

Name of moving Counsel

Henry S. Robbins

Representing

Name of opposing Counsel (if any)

U. S. atty, Davies

ML

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

United States District Court, Northern District of Illinois.

Cause No. 8 (Date) July 25 1915

Title of Cause US

Board of Trade of City of Chicago

Brief Statement of Motion

Memo for Court
///

Name of moving Counsel

Representing

Name of opposing Counsel (if any)

Evenden for counsel
hd in pt pp 10
and tomorrow

[Handwritten signature/initials]

memorandum to the Clerk.

Do not rise to address the Court until motion has been called.

United States District Court, Northern District of Illinois.

Cause No. *Equity No 8*

(Date) *Jan 15th 1915*

Title of Cause

United States vs.

Brief Statement of Motion

Board of Trade of the City of Chicago

Con trail one week -

Name of moving Counsel

Charles J. Byrne U.S. Attorney -

Representing

Name of opposing Counsel (if any)

Case set for trial Jan 25th

JML

FILED

JAN 15 1915

AT... O'Clock... Had this memorandum to the Clerk.

Counsel will not be allowed to address the Court until motion has been called.

United States District Court, Northern District of Illinois.

Cause No.

81 / MS

(Date)

Nov 29 1913

Title of Cause

Board of Trade of Chicago, Ill.

Brief Statement of Motion

My US District Court to show that
reasonable and good ans of
defendants.

Name of moving Counsel

Representing

Name of opposing Counsel (if any)

Argt heard & advised

10

FILED

NOV 29 1913

AT 10 O'CLOCK M.

Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.

Equity 8

CHANCERY
DISTRICT COURT OF THE UNITED STATES

*United States
of America
Board of Trade of
Chicago*

Patent of the United States
Northern District of Illinois
Eastern Division

United States of America
vs

Board of Trade of Chicago
vs

Notice

Filed
Jan 17 1916
T. G. MacMillan
Clerk

HENRY S. ROBBINS
HOME INSURANCE BUILDING
CHICAGO

IN THE DISTRICT COURT OF THE UNITED STATES
Northern District of Illinois.

UNITED STATES OF AMERICA

-vs-

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

To Charles F. Clyne, Esq.,

United States District Attorney:

PLEASE TAKE NOTICE That we have this day lodged
in the Clerk's office of the above entitled court, for your
examination, a condensed statement of the evidence in the above
entitled cause, as required by Equity Rule 75; and that on
the 27th day of January, 1916, at 10 o'clock, or as soon
thereafter as counsel can be heard, in his court-room or in
Chambers, we shall ask the Hon. Kenesaw M. Landis, Judge of
said Court, to approve such statement:

At which time and place you may appear if you
see fit.

Henry Robbins

Received a copy of above notice
this 17th day of January, 1916.

Charles F. Clyne
by M. J. Davis
United States District Attorney.

Tuesday, May 13th, 1913.

Landis, J.

United States of America,

vs

Board of Trade of the City
of Chicago, et al.

}
} Chancery. 8.
}

It is ordered by the Court that the motion of
the United States Attorney to set this cause for trial be
and the same is hereby entered and continued until May 15th.

067

I have served this writ within my district in the following manner to-wit:

Upon the within named Board of Trade of the City of Chicago by delivering a true copy thereof to Edward Andrew, President of said Board of Trade at Chicago, Illinois, February 13th, 1913.
Upon the within named Edward Andrew, President, Frank B. Rice, Vice President and Albert E. Cross, Second Vice-President, by delivering to each of them personally a true copy thereof at Chicago, Illinois, February 13th, 1913.
Upon F.E. Cunningham, named in writ J.E. Cunningham, David S. Lasier, Leslie F. Gates, John Carden, Robert McDougal, Joseph Simons, Adolph Gerstenberg, Benjamin S. Wilson, L. Harry Freeman, George B. Quinn, John A. Rogers, John R. Mauff, named in writ John R. Mauff, William L. Gregson, named in writ William L. Gregson, Directors of the Board of Trade of the City of Chicago, by delivering to each of them personally a true copy thereof at Chicago, Illinois, February 13th, 1913.

Luman T. Hoy, U.S. Marshal.

17 Services, \$34.00
1 Mile, .06

By *Luman T. Hoy* Deputy.

\$34.06

Original.

General No. 8

District Court of the United States
NORTHERN DISTRICT OF ILLINOIS

United States of America,

vs.

Board of Trade of the City of
Chicago, et al.

CHANCERY SUBPOENA

FILED

FEB 14 1913

AT _____ O'CLOCK _____ M.

at Marshall
George W. Wickersham,
Attorney General,

James H. Wilkerson, U.S. Atty.

Petitioner & Complainant's Solicitor.

United States of America, }
Northern District of Illinois, } SS.
EASTERN DIVISION.

THE PRESIDENT OF
The United States of America.

To

Board of Trade of the City of Chicago, Edward Andrew,
president; Frank E. Rice, vice-president; Albert E. Cross,
second vice-president; and J. E. Cunningham, David S. Lasier,
Leslie F. Gates, John Carden, Robert McDougal, Joseph Simons,
Adolph Gerstenberg, Benjamin S. Wilson, L. Harry Freeman,
George B. Quinn, John A. Rogers, John R. Manff and William
L. Gregston, directors of Board of Trade of the City of
Chicago,

Greeting:

We Command You and Every of You, That you be and appear before our Judges of our District Court of the United States of America, for the Northern District of Illinois, at Chicago, in the Eastern Division of said District, on or before the twentieth day after service of this writ, exclusive of the day of service, to answer or otherwise defend against a certain bill in equity this day filed by United States of America, Petitioner,

in the Clerk's office of said Court, in the City of Chicago, then and there to receive and abide by such judgment and decree as shall then or thereafter be made, upon pain of judgment being pronounced against you by default.

To the Marshal of the Northern District of Illinois to Execute.

Witness the HONORABLE Kenesaw M. Landis, Judge of
the District Court of the United States of America, for the Northern District
of Illinois, at Chicago aforesaid, this eleventh
day of February in the year of our Lord Nineteen
hundred and thirteen and of our Independence
the 137th year.

T. C. MacMillan,
by John H. R. Jamar Clerk.

MEMORANDUM.

The defendant s are _____ required to file their answer or other defense in
the Clerk's office on or before the twentieth day after service hereof upon them, excluding the day
of service; otherwise the said bill may be taken pro confesso.

T. C. MacMillan, Clerk.
by John H. R. Jamar
Deputy Clerk

Saturday, November 29, 1913.

Landis, J.

United States of America,

vs

Board of Trade of the City of
Chicago, et al.

)
)
) Chy 8
)
)
)

Now come the parties by their respective solicitors
and now comes on to be heard the motion of the United States
Attorney to strike Paragraph Six from the answer of the defendants.
After hearing the arguments of counsel, the Court takes the matter
under advisement.

Boy

United States District Court, Northern District of Illinois.

Cause No. 8.

(Date)

Title of Cause

United States of America
vs

Brief Statement of Motion

Board of Trade of the City of Chicago et al.
Petition for appeal to Supreme Court
of the United States.

Name of moving Counsel

Henry L. Robbins

Representing

by Geo. D. Smith.

Name of opposing Counsel (if any)

Mul

FILED

JAN 10 1916

AT O'CLOCK M.
J. C. Macmillan
CLERK

Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.

Exhibit # 8

District Court, United States
N. D. of Illinois

United States of America

v.

Samuel W. Adams, et al. Chicago

Defendants

Filed 14 1916

London Judge

HENRY S. ROBBINS
HOME INSURANCE BUILDING
CHICAGO

IN THE DISTRICT COURT OF THE UNITED STATES
Northern District of Illinois
EASTERN DIVISION.

UNITED STATES OF AMERICA

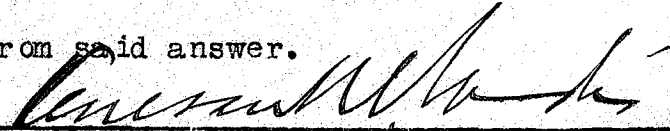
-vs-

BOARD OF TRADE OF THE CITY OF CHICAGO

(
)
(
)
(

This cause coming on on motion of complainant to strike from the answer Paragraph VI thereof, and the court having heard the argument of counsel for the respective parties, and being fully advised in the premises, and being of the opinion that proof of the facts alleged in said Paragraph VI would not be material evidence on the hearing of this cause, and that none of the facts alleged in said Paragraph, whether considered by themselves or in conjunction with other facts alleged in said answer, constitute a defense to said bill,

IT IS ORDERED That said motion be granted and that Paragraph VI be stricken from said answer.



Tuesday, January 26th, 1915.

Landis, J.

United States of America,

vs

Chicago Board of Trade, et al,

)
)
) Eq. 8.
)
)

Now come the parties by their respective solicitors
and now this cause comes on for trial. After hearing evidence
on behalf of the plaintiff and defendant in part, the further
trial of this cause is postponed until tomorrow morning.

67

Thursday, January 28th, 1915.

Landis, J.

United States of America.)

vs)

Chicago Board of Trade, et al,)

EQ. 8.

Now again come the parties by their respective solicitors and the trial of this cause is resumed. After hearing evidence on behalf of the defendant to conclusion and plaintiff's evidence in rebuttal, and arguments of counsel in part, the further trial of this cause is continued until tomorrow morning.

03

Friday, January 29th, 1915.

Landis, J.

United States of America,

vs

Chicago Board of Trade, et al,

)
)
)
)
)

Eq. 8.

Now come the parties by their solicitors and
now this cause comes on for further trial. After hearing
the arguments of counsel of the respective parties to
conclusion, the Court takes the matter under advisement.

OK?

Friday, January 15th, 1915.

Landis, J.

United States of America,)
)
vs) Eq. 8
)
Board of Trade of Chicago, et al)

Upon motion of the United States attorney,
it is ordered by the Court that the above entitled cause
be continued for trial until January 25th.

by

Equity

United States District Court

United States of America

vs.

Board of Trade, et al

Defendants

FILED

10 O'CLOCK
J. B. [unclear]

HENRY S. ROBBINS
HOME INSURANCE BUILDING
CHICAGO

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

2.

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.

3.

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.

OC
Robbins

~~Spokane~~

~~Walter E. Carter~~

~~Walter S. Carter~~

~~✓ 6~~

~~Walter S. Carter~~

~~Walter S. Carter~~

PAID

HENRY S. ROBBINS
HOME INSURANCE BUILDING
CHICAGO

United States of America ()
Northern District of Illinois) ss:
Eastern Division. ()

IN THE DISTRICT COURT OF THE UNITED STATES

UNITED STATES OF AMERICA,
Petitioner,

-vs-

BOARD OF TRADE OF THE CITY OF
CHICAGO, Edward Andrew, Frank B.
Rice, Albert E. Cross, J.E. Cunning-
ham, David S. Lasier, Leslie F. Gates,
John Garden, Robert McDougal, Joseph
Simons, Adolph Gerstenberg, Benjamin
S. Wilson, L. Harry Freeman, George B.
Quinn, John A. Rogers, John R. Manff,
and William L. Gregston,
Defendants.

The above named defendants, conceiving themselves to be aggrieved by the entry of the final decree in the above entitled cause on the 28 day of December, 1915, wherein and whereby these defendants were permanently enjoined, as in said decree stated, do hereby appeal from said final decree to the Supreme Court of the United States, upon the grounds and for the reasons prescribed in the Assignment of Errors filed herein; and they pray that this appeal may be allowed, and that a transcript of the record, testimony, stipulations, and other proceedings herein may be transmitted forthwith to the Supreme Court of the United States.

Henry P. Roblins
Solicitor for all the defendants

OK
C. H. [unclear]

11.8.1

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11.8.1

Handwritten text, possibly a name or address.

Handwritten text, possibly a name or address.

11.8.1

Handwritten text, possibly a name or address.

HENRY S. ROBBINS
HOME INSURANCE BUILDING
CHICAGO

IN THE DISTRICT COURT OF THE UNITED STATES
Northern District of Illinois.

UNITED STATES OF AMERICA

-vs-

BOARD OF TRADE OF THE CITY
OF CHICAGO, ET AL.

Equity # 8.

To Thomas C. MacMillan, Esq.,

Clerk of said Court;

YOU WILL PLEASE PREPARE, for the purposes of
appeal, a certified transcript of the entire record in the above
entitled cause, and include therein the condensed statement of
the evidence filed in said cause, pursuant to Equity Rule 75.

Henry Robbins
Counsel for Board of Trade of the City
of Chicago, et al.

Service of the above is admitted,

this ____ day of January, 1915.

Clerk.

*Rec'd copy Jan. 17th 1915
Charles F. Pope
United States Attorney
Northern District of Illinois*

Wednesday, January 27th, 1915.

Landis, J.

United States of America,)
)
) vs Eq. 8.
Chicago Board of Trade, et al)

Now come the parties by their respective
solicitors and now this cause comes on for further trial.
After hearing evidence adduced on behalf of the defendant
the further trial of this cause is continued until tomorrow
morning.

ag

No. 8 Equity

United States Court

District of

Term, 19

THE UNITED STATES
vs.

BOARD OF TRADE OF THE
City of Chicago, et al

PRÆCIPUE

For Subpoena on the part of the United States for

FILED

JAN 22 1915

AT..... O'CLOCK.....M.

J. C. Hamilton

CLERK

Filed this day of, 19

....., Clerk.

Issued 21st Jan. 1915, 19

PRÆCIPUE FOR SUBPŒNA IN A CASE

In the DISTRICT Court, United States, ~~NORTHERN~~ District of ILLINOIS.

THE UNITED STATES

vs.

BOARD OF TRADE OF THE CITY OF CHICAGO

No. 8 Equity

The Clerk of said Court will issue Subpœna for the following-named persons to appear before said Court, at the United States Court Rooms, in Chicago, Ill., at 9 o'clock, A. M., on the 25th day of Jan., 1915, 19, then and there to testify in behalf of the United States.

NAMES.	NAMES.	RESIDENCE.
Geo. E. Marcy, Chicago, Ill.		

This 21st day of Jan. 1915, 19

JAMES H. WILKERSON,

CHARLES F. GLYNE

U. S. Attorn

No. 8 Equity

United States Court

District of

Term, 19

THE UNITED STATES
vs.

BOARD OF TRADE OF THE CITY
OF CHICAGO

PRECIPE

For Subpcena on the part of the United States for

FILED

JAN 22 1915

AT.....O'CLOCK.....M.

J. C. Macmillan

CLERK

Filed this day of, 19

....., Clerk.

Issued Jan. 21st, 1915, 19

PRÆCIPUE FOR SUBPŒNA IN A CASE

In the DISTRICT Court, United States, NORTHERN District of ILLINOIS.

THE UNITED STATES

vs.

BOARD OF TRADE OF THE CITY OF CHICAGO, ET AL

No. 8 Equity

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NAMES.	NAMES.	RESIDENCE.
Jas. A. Patten,	Chicago, Illinois	

This 21st day of Jan. 1915, 19

JAMES H. WILKERSON,

CHARLES F. CLYNE

U. S. Atto

No. 8 Equity

United States Court

District of

Term, 19

THE UNITED STATES
vs.

BOARD OF TRADE OF THE CITY
OF CHICAGO, ET AL

PRÆCIPUE

For Subpcena on the part of the United States for

FILED

JAN 22 1915

AT.....O'CLOCK.....M.

J. C. Macmillan

CLERK

Filed this day of, 19

....., Clerk.

Issued Jan^r 22, 1915, 19

PRÆCIPE FOR SUBPŒNA IN A CASE

In the DISTRICT Court, United States, NORTHERN District of ILLINOIS.

THE UNITED STATES

vs.

BOARD OF TRADE OF THE CITY OF CHICAGO, ET AL

No. 8 Equity

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NAMES.	NAMES.	RESIDENCE.
J C.F.Merrill, Chicago, Ill.		

and to bring with him all of the records of the Chicago Board of Trade in his possession showing the daily call price on all wheat, corn, and oats for the year 1912;

Also, all the records in his possession showing cash prices for each day on wheat, corn and oats for the year 1912;

And also, all the records in his possession showing the total amount of deliveries on future contracts of wheat, corn, and oats for the year 1912.

No. 8 Equity

United States Court

District of

Term, 19

THE UNITED STATES
VS.

BOARD OF TRADE OF THE CITY
OF CHICAGO

PRÆCIPERE

For Subpoena on the part of the United States for

FILED

JAN 22 1915

AT.....O'CLOCK.....M.

J. C. Macmillan

CLERK

Filed this day of, 19

....., Clerk.

Issued Jan. 21st, 1915, 19

PRÆCIPUE FOR SUBPŒNA IN A CASE

In the DISTRICT Court, United States, NORTHERN District of ILLINOIS.

THE UNITED STATES

vs.

BOARD OF TRADE OF THE CITY OF CHICAGO, ET AL } No. 8 Equity

The Clerk of said Court will issue Subpœna for the following-named persons to appear before said Court, at the United States Court Rooms, in Chicago, Ill., at 10 o'clock, A. M., on the 25th day of January, 1915, 19 , then and there to testify in behalf of the United States.

NAMES.	NAMES.	RESIDENCE.
Adolph Lichtstern,	Chicago, Illinois	

This 21st day of Jan. 1915, 19

~~JAMES H. WILKINSON,~~

CHARLES F. CLYNE

U. S. Attorney.

Issued Jan. 22, 1915, 19

_____, Clerk.

Filed this _____ day of _____, 19

FILED

JAN 22 1915

AT.....O'CLOCK.....M.

J. C. MacMillan

CLERK

For Subpoena on the part of the United States for

PR. MICH. P.

THE UNITED STATES
vs.
Board of Trade of the City
of Chicago

Term, 19

United States Court
District of

No. 8 Equity

PRÆCIPUE FOR SUBPŒNA IN A CASE

In the DISTRICT Court, United States, NORTHERN District of ILLINOIS.

THE UNITED STATES

vs.

BOARD OF TRADE OF THE CITY OF CHICAGO

No. 8 Equity

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NAMES.	NAMES.	RESIDENCE.
Edw. L. Glaser, Chicago, Ill.		
C. H. Canby, do		
Joseph Rosenbaum, do		
Chas. B. Pierce, do		
John J. Stream, do		

This 22d day of Jan. 1915, 19

~~JAMES H. WILKERSON,~~

CHARLES F. CLYNE

U. S. Attorn

United States District Court, Northern District of Illinois.

Cause No. 8. ^{IN EQUITY}

(Date) November 18, 1913.

Title of Cause UNITED STATES OF AMERICA,
Petitioner,

v.

BOARD OF TRADE OF THE CITY
OF CHICAGO, AND OTHERS,
Defendants.

Brief Statement
of Motion

to strike out Paragraph 6 of and from answer of defendants
and ask that time be set for hearing of motion.

Name of moving
Counsel
Representing

James H. Wilkerson, U. S. Atty.

Name of opposing
Counsel (if any)

Henry S. Robbins, Atty. for defendants.

FILED

NOV 18 1913

AT 11 O'CLOCK AM.

Ab. Small
CLERK

*Motion set for hearing
Nov 29*

Form No. 680.

No. 8-Equity

IN THE DISTRICT COURT

OF THE UNITED STATES

FOR THE

NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES

vs.

BOARD OF TRADE, CITY OF

CHICAGO, ET AL.

NOTICE

Filed May 13, 1913

J. C. Macmillan, Clerk.

By _____, Deputy.

JAMES H. WILKERSON, ESQ.

UNITED STATES ATTORNEY.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION..

UNITED STATES)
)
 v.) No. 8. Equity.
)
 BOARD OF TRADE, CITY)
 OF CHICAGO, et al.)

NOTICE.

To-- Henry S. Robbins, Esq., 814 Home Insurance Bldg., Chicago.
Attorney for defendant.

You are hereby notified that on Monday, the twelfth day
of May, A.D. 1913, at 10:30 a.m. I shall appear before his honor, Judge
Landis, in his court room at 627 Federal Building, and move the court
to set this cause down for trial on a day certain, at which time and
place you may appear if you see fit.

James H. Wilkerson,

United States Attorney.

Received a copy of the
above notice this 9th day of
May A.D. 1913.


Attorney for defendant.

I have served the within within my District upon John Hill, Gardner B, Lawrence, Fred Hoyt, and S B Bostedo, known in Court as C. B. Bostedo, by reading same to and in the presence and hearing of each of them, and by delivering to each of them a subpoena ticket, at Chicago Illinois this 23rd day of January 1915

John J. Bradley
 U.S. Marshal
 By John S. Roberts
 Deputy

Serve 50
 miles 6
 Serve 50
 miles 6
 Serve 50
 miles 6
 Serve 50
 miles 6
 \$2.24

Civil
 Equity
 No. 8

District Court of the United States
 NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION

UNITED STATES

vs.

CHICAGO BOARD OF TRADE
 ET AL.

SUBPOENA

Returnable Jan. 25, 1915

1915, at 10 o'clock A. M.

FILED T. C. MACMILLAN, Clerk

JAN 26 1915

AT 0 O'CLOCK

J. C. Macmillan

CLERK

District Court of the United States of America

NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SS.

THE UNITED STATES OF AMERICA

To the Marshal of the Northern District of Illinois, GREETING:

WE COMMAND YOU TO SUMMON

John Hill, Jr.,	Chicago, Ill.
Gardner B. Van Ness,	" "
Lowell Hoyt,	" "
☐ Z.G. Bostedo,	" "

if found in your District, to be and appear before the Judge of the District Court of the United States for the Northern District of Illinois, at Chicago, in the District aforesaid, on the 25th day of Jan. A. D. 1915, at 10 o'clock a. m., to testify in behalf of the UNITED STATES OF AMERICA in the cause wherein UNITED STATES OF AMERICA the plaintiff and BOARD OF TRADE OF THE CITY OF CHICAGO, ET AL

are ~~is~~ defendants.

And this you will in no wise omit under the penalty of the law in that case made and provided. And have you then and there this writ.

WITNESS the Hon. KENESAW M. LANDIS

Judge of the said Court, at Chicago, in said District, this
22d day of Jan. in the
year of our Lord one thousand nine hundred and 15,
and of the independence of the United States of America
the 139th year.

T. C. MacMillan
Clerk.

*by Alva V. Shoemaker
Deputy Clerk*

Civil Equity No. 8

United States Court

District of

Term, 19

THE UNITED STATES
VS.
CHICAGO BOARD OF
TRADE ET AL

PRECIPE

For Subpcena on the part of the United States for

FILED

JAN 23 1915

AT O'CLOCK M.

J. C. Macmillan
CLERK

Filed this day of, 19

Clerk.

Issued Jan. 22, 1915

PRÆCIPUE FOR SUBPŒNA IN A CASE

In the ~~DISTRICT~~ Court, United States, ~~NORTHERN~~ District of ILLINOIS.

THE UNITED STATES

vs.

BOARD OF TRADE OF THE CITY OF CHICAGO
ET AL.

Civil Equity No. 8

The Clerk of said Court will issue Subpœna for the following-named persons to appear before said Court, at the United States Court Rooms, in Chicago, Ill., at 9 o'clock, A. M., on the 25th day of Jan., 1915, then and there to testify in behalf of the United States.

NAMES.	NAMES.	RESIDENCE.
John Hill, Jr.	Chicago, Ill.	
Gardner B. Van Ness,	" "	
Lowell Hoyt,	" "	
C.G. Bostedo,	" "	

This 22d day of Jan., 19 15

CHARLES F. CLYNE

U. S. Attorne

United States District Court, Northern District of Illinois.

Cause No. 8

Title of Cause

US

(Date)

May 15 1913

County of Cook, City of Chicago

Brief Statement of Motion

Motion for writ

Name of moving Counsel

Representing

Name of opposing Counsel (if any)

Representing for treated by the
1000

Amick

FILED

MAY 15 1913

AT 10 O'CLOCK

Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.

Form No. 680.

IN EQUITY

No. 8.

IN THE DISTRICT COURT
 OF THE UNITED STATES
 FOR THE
 NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION.

UNITED STATES OF AMERICA,
 Petitioner,

vs.

BOARD OF TRADE OF THE CITY OF CHICAGO,
 AND OTHERS,

Defendants.

NOTICE.

Filed

W. J. Hill
HILL

1913

NOV 18 1913

W. J. Hill
Clerk.

By

AT _____ O'CLOCK _____ M.

Deputy

W. J. Hill

JAMES H. WILKERSON

UNITED STATES ATTORNEY

UNITED STATES OF AMERICA
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION.

IN THE DISTRICT COURT THEREOF,)
) ss.
NOVEMBER TERM, A. D. 1913.)

UNITED STATES OF AMERICA,)
 Petitioner,)
) IN EQUITY.
v.) No. 8.
))
BOARD OF TRADE OF THE CITY)
OF CHICAGO, AND OTHERS,)
 Defendants.)

To Henry S. Robbins, 814 Home Insurance Bldg., Chicago, Ill.,
Counsel for the said above named defendants:

You are hereby notified that on Tuesday, the 18th day of
November, 1913, at the hour of ten o'clock a. m., or as soon there-
after as counsel can be heard, I will, before the Honorable Judge
Kenesaw M. Landis, in the room usually occupied by him as a court
room in the Federal Building, Chicago, Illinois, move said court to
strike out Paragraph 6 of and from the answer of the defendants
heretofore filed in the said above entitled cause, and ask that a
time be set for hearing of said motion; at which time and place you
may be present if you see fit.

JAMES H. WILKERSON,
United States Attorney.

Received a copy of the above notice

this 14th day of November, A.D. 1913.

Henry S. Robbins
JEP

I have served this writ within my district in the following manner to-wit:
upon the within named Edw. L. Glaser - C. H. Canby Joseph Rosenbaum - Chas. B. Pierce - and John J. Stearns by reaching the same to and within their presence and hearing and at the same time delivering to each of them a copy of the same the 22nd day of Jan. A.D. 1915 at Chicago, Ill.

John J. Bradley U.S. Marshal
O. J. Farrell Deputy

No. 8 Equity

District Court of the United States

NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES

vs.

BOARD OF TRADE OF THE CITY OF CHICAGO,
ET AL

SUBPOENA

Returnable _____ day of

191___, at 10 o'clock A. M.

T. C. MACMILLAN,
Clerk

FILED

JAN 26 1915

AT O'CLOCK M.

J. C. Macmillan

CLERK

District Court of the United States of America

SS.

NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE UNITED STATES OF AMERICA

To the Marshal of the Northern District of Illinois, GREETING:

WE COMMAND YOU TO SUMMON

Edw. L. Glaser, Chicago, Ill.

C. H. Canby, do

Joseph Rosenbaum, do

Chas. B. Pierce, do

John J. Stream, do

if found in your District, to be and appear before the Judge of the District Court of the United States for the Northern District of Illinois, at Chicago, in the District aforesaid, on the 25th day of January A. D. 1915, at 10 o'clock a. m., to testify in behalf of the in the cause wherein is the plaintiff and

BOARD OF TRaders OF THE CITY OF CHICAGO, ET AL

is defendant. And this you will in no wise omit under the penalty of the law in that case made and provided. And have you then and there this writ.

WITNESS the Hon. KENNETH M. LANDIS

Judge of the said Court at Chicago in said District this

Cause No. 8 Eq.

(Date) November 17 1914

Title of Cause

Ed. W. Jones vs. J. W. Williams et al
Motion to set aside for trial

Brief Statement of Motion

Name of moving Counsel

Charles H. Egan

Representing

Williams et al

Name of opposing Counsel (if any)

Henry G. Coffey

Case set for trial
Monday 10th noon

FILED

DEC 19 1914

AT O'CLOCK.....

J. G. Williams to the Clerk.

Counsel will not rise to address the Court until motion has been called.

Sept 7 8

W. L. O'Connell

W. L. O'Connell

W. L. O'Connell

W. L.

HENRY S. ROBEIN'S
FORLAND BUILDING
CHICAGO

IN THE DISTRICT COURT OF THE UNITED STATES
Northern District of Illinois
EASTERN DIVISION.

UNITED STATES OF AMERICA

-vs-

BOARD OF TRADE,
et al.

{
{
{
{
{

IN EQUITY. No. 8.

To Hon. Charles F. Clyne, U.S. District Attorney,
Attorney for Complainant:

YOU ARE HEREBY NOTIFIED That on Thursday,
April 18, 1918, at the coming in of court, or as soon
thereafter as counsel can be heard, I shall appear
before his Honor, George A. Carpenter, in the room in
the Federal Building, in the city of Chicago, Illinois,
-then occupied by him as a court-room, and ask that an
order be entered dismissing the above entitled cause for
want of equity, in pursuance of the mandate of the Supreme
Court of the United States, filed herein April 15, 1918.

Henry S. Robinson

Attorney for Defendants.

Received a copy of above notice
this 17th day of April, 1918.

Charles F. Clyne
Attorney for Complainant.

I have served this writ within my district in the following manner to-wit:

upon the within named J.C.F. Merrill by reading the same to and within his presence and heard and at the same time delivering to him a copy of the same with a typewritten slip attached the 22nd day of Jan. A.D. 1915

John F. Bradley U.S. Marshal
O'Connell Deputy

No. 8 Equity

District Court of the United States

NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES

vs.

BOARD OF TRADE OF THE CITY OF CHICAGO,
ET AL

SUBPOENA

Returnable _____ day of _____

191____, at 10 o'clock A. M.

T. C. MACMILLAN,
Clerk

FILED

JAN 26 1915

AT O'CLOCK M.

J. C. Macmillan

CLERK

District Court of the United States of America

NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SS.

THE UNITED STATES OF AMERICA

To the Marshal of the Northern District of Illinois, GREETING:

WE COMMAND YOU TO SUMMON

J. C. F. Merrill, Chicago, Illinois

and to bring with him all of the records of the Chicago Board of Trade in his possession showing the daily call price on all wheat, corn, and oats for the year 1912;

Also, all the records in his possession showing cash prices for each day on wheat, corn and oats for the year 1912;

And also, all the records in his possession showing the total amount of deliveries on future contracts of wheat, corn, and oats for the year 1912.

to appear in person before the Court of the Northern District of Illinois at Chicago, in the Eastern Division, on the 22nd day of January, A. D. 1913, at 10 o'clock a. m., to testify in behalf of the

at 10 o'clock a. m., to testify in behalf of the

in the cause wherein is the plaintiff and

BOARD OF TRADE OF THE CITY OF CHICAGO, ET AL

is defendant.

And this you will in no wise omit under the penalty of the law in that case made and provided. And have you then and there this writ.

WITNESS the Hon. KENESAW M. LANDIS

Judge of the said Court, at Chicago, in said District, this

22d day of January in the

year of our Lord one thousand nine hundred and fifteen,

and of the independence of the United States of America

the 139th year.

T. C. Mac Millan

Clerk.

W. Alva V. Shoemaker
Deputy Clerk

No. 680.

Equity No. 8.

THE DISTRICT COURT
 OF THE UNITED STATES
 FOR THE
 SOUTHERN DISTRICT OF ILLINOIS,
 EASTERN DIVISION.

UNITED STATES OF AMERICA

vs.

BOARD OF TRADE OF THE CITY
 OF CHICAGO.

NOTICE

Filed _____, 1914

FILED

Clerk

DEC 5 - 1914

Deputy

AT..... O'CLOCK

J. C. Marshall

CHARLES E. CLYNE,

CLERK

UNITED STATES ATTORNEY.

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION.

UNITED STATES OF AMERICA)
)
 v.)
)
BOARD OF TRADE OF THE CITY)
OF CHICAGO)

In Equity. No. 8.

To Henry S. Robbins, Esq.,

Counsel for all of the defendants.

You are hereby notified that on Saturday, December 5, 1914, at the hour of 10:00 a.m., or as soon thereafter as counsel may be heard, I will, before Judge Landis, in the courtroom usually occupied by him as a courtroom in the Federal Building, Chicago, move the court to set down for trial the above entitled cause, at which time and place you may be present if you see fit.

CHARLES F. CLYNE,
United States Attorney.

Received a copy of the above notice
this 11th day of December, A.D. 1914.

Henry S. Robbins
C. E. P.