

No. 5250.

CIRCUIT
United States District Court,

EASTERN DIVISION

OF THE EASTERN DISTRICT OF MISSOURI.

UNITED STATES OF AMERICA

vs.

TERMINAL RAILROAD ASSOCIATION

OF ST. LOUIS, et al,

---EQUITY---

Plffs. Attys.

Defts. Attys.

1923.

MINUTES OF PROCEEDINGS.

4-5 Petition of Terminal Railroad Association, et al, for allowance of appeal to Supreme Court of the United States from decree of February 8th, 1923, filed, together with joint assignment of errors of said petitioners. Order of Hon. Willis Van Devanter, Justice of the Supreme Court, allowing such appeal, as well as supersedeas of decree upon petitioners giving bonds specified in order received, filed and entered. Twenty-three (23) supersedeas bonds of petitioners as approved received and filed. Citation issued by said Justice of Supreme Court received and filed.

4-6 Copy of Citation served by Supreme Justice Van Devanter with acknowledgment of service filed.

4-7-4 Receipts for transcripts of Terminal Railroad Association of St. Louis et al, together with election as to printing of record and appeal, filed by said Terminal Railroad

4-74/23 Association, et al. Narrative Statement of Evidence under
Equity Rule 75 lodged by appellants, together with
separate acknowledgment of service by appellees of
copy of such Narrative Statement and copy of
process for transcript, as well as acknowledgment of
service of notice of date on which such Narrative State-
ment of Evidence will be submitted for approval

May 11 Narrative Statement of Evidence to be incorporated in
transcript on appeal of Terminal Railroad Association
et al., from decree of Feb. 5th 1923, as approved by Circuit

Judge Sanborn, received & filed.

Nov. 24¹⁹²⁴ Mandate of U. S. Supreme Court on appeal of
Baltimore & Ohio Southwestern Railway Company,
et al., from decree entered February 8th, 1923
received, filed and entered.

Apr. 15¹⁹²⁵ Motion of Terminal Railroad Association
of St. Louis, et al., for entry of decree under
mandate of Supreme Court of United States
filed in notice of presentation of such motion.

June 1 Final decree under mandate of Supreme
Court of United States on issues raised by
petition of Missouri, Kansas & Texas Railway
Company, et al., signed by Circuit Judges
Sanborn, Stone and Lewis, received, filed
and entered.

1913 and Ohio Southern Railway Co., et al, matters of allowance of appeal
Mar 19 Answer and Substantia

Mar 21 Order of Respondent Guliver & Thell being suggested, by Counsel of Petitioner
said Cause ordered to state not have respondent's Order filed & entered allowing
demurrer returned Association of St. Louis et al, an appeal to the Supreme
Court of Missouri on the terms and conditions specified in said order from
the date of July 24 1913. Order filed and entered standing said appellant
time for lodging heretofore statement of evidence as required by Equity
Rule # 75 to May 10th 1913, and also extending to so in date a respondent to
time for filing heretofore etc

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of St. Louis et al

Equity

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Defts. Attys.

1920

MINUTES OF PROCEEDINGS.

Aug 12 Joint motion filed by me, Thoma & Lucas by Co. et al to make additional
parties defendant and to rule certain depts. for contempt. Exhibits filed
Mar 19 Rule to show cause. Rec. of 1920 entered and issued
Mar 26 Marshall's return (Mar. 26th by 1) filed
Apr 8 " " (Mar. 26th by 1) filed
" 10 " " (15. Mar. 26th) "
" 11 " " (10. Mar. 26th) "
" 13 Joint answer and return filed by Term. R.R. Assoc. of St. Louis et al
" 14 " " motion to dismiss filed by answering depts. in reply

1920
 appearance of United States entered; order postponing hearing to July 1921

Dec 14 1921-
 Order ^{filed} entered postponing hearing on order to show cause
 Jan. 29 - Order appointing Byron F. Battitt, Examiner Received, filed and entered.

April 75
 Examiner files transcripts (2) Vols. of testimony and exhibits.

May 9
 Stipn. filed as to examiner's fees etc.

May 25 1923
 Order filed & entered setting hearing for May 30th, at St. Paul, Minn.

Aug. 21
 Opinion of Circuit Judges Garland and Stone on issues raised by petn. of M. K. & T. Ry. Co., St. L. - San Francisco Ry. Co., Mo. Pac. Ry. Co., C.R. & P. Ry. Co. (filed Nov. 12, 1920), together with dissenting opinion of Circuit Judge Sanborn, received and filed.

Dec. 8
 Motion of East Side Lines for reargument of case filed, submitted and overruled. Proposed form of decree under decision rendered August 21, 1922 on petn. of M. K. & T. Ry. Co., et al., as presented by East Side Lines, as well as objections of West Side Lines to entry of said proposed decree, argued and submitted.

12
 Suggestions of The C. & A. Ry. Co. in connection with petn. of The M. K. & T. Ry. Co. et al. for citation to show cause, filed.

1923
 Feb. 8
 Majority opinion of Judge Lewis, concurred in by Judge Sanborn, and dissenting opinion of Judge Stone, in matter of petition of Missouri, Kansas and Texas Ry. Co., et al., to show cause, etc., (filed August 12, 1920), filed, and decree in said matter in favor of Missouri Kansas and Texas Ry. Co., et al., filed and entered. Byron F. Battitt, Esq., appointed Spl. Master under said decree. Matter of presentation of petition for appeal, etc., from said decree set for March 19th, 1923.

March 19
 Notice of Presentation of Petition for allowance of appeal filed By Terminal Railroad Association of St. Louis, et al, Petition of Terminal Railroad Association of St. Louis et al for allowance of appeal to US Supreme Court from decree entered July 8-1923, filed, together with Separate assignment of Error By Terminal Railroad Association of St. Louis et al, and The Baltimore

- 1913
 July 8th Exceptions filed by United States, on motion filed, and by special leave.
 " 29th Plan of reorganization filed by defendants.
 Aug. 16th Mandate from U.S. Supreme Court received, filed and entered.
 Dec. 6th Motion for entry of decree filed by complt. and argued and submitted; depts. 2 weeks for briefs and complt. 1 week thereafter. Appln. of East St. Louis for leave to intervene denied.
 " 19th Brief for defendants filed.
 " 23rd " " complainant "
 1914
 Mar. 2nd Final decree on mandate entered. Opinion by Judge Smith filed.
 " 27th Assignment of errors and petition for appeal to U.S. Supreme Court filed by United States; appeal allowed and citation issued.
 " 28th Motion filed by depts. to modify final decree.
 Apr. 4th Precepts for transcripts filed by United States.
 " 9th Election as to " by U.S. Affidavit filed by depts. in support of motion to modify decree.
 June 20th Intervening petitions of Evans & Howard Fire Brick Co., Union Bend & material Co. & 53 others filed by leave but leave to intervene denied. Motion of depts. to modify decree denied. Assgmt. of errors, petn. for appeal & bond filed by intervenors jointly & appeal to Sup. Ct. allowed. Same filings by depts. & appeal allowed.
 " 23rd Election and precepts for transcript filed by Evans & Howard Co. et al. defendants.
 July 7th Precepts filed by U.S. for addl matter in " & " transcripts.
 " 13th Motion of depts. to modify decree and accompanying affidavit filed.
 Sept. 21st nunc pro tunc as of June 20th 1914. upon order filed.
 Continued
 May 4th mandates 131 of Supreme Court received, filed and entered.
 " 7th motion filed by depts. for approval of contract and for entry of final decree.
 Oct. 18th - Motion for entry of decree under mandate filed by intervenors Evans & Howard Fire Brick Co., et al.
 1916
 Feb. 11th - Motion filed by depts. Mo. Pacific Ry. Co. et al regarding entry of decree. Said motion with motion of depts. & mo. of intervenors argued and submitted.
 1917
 Feb. 7th Final decree upon mandate entered. modifying decree of Jan. 29th 1914 in part.

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THE UNITED STATES,

VS.

FEDERAL RAILROAD ASSOCIATION

OF ST. LOUIS, MO.

EQUITY

H.W. Blodgett, F.C. Crow,

C.H. Kurr, Chas. Naezel,

Plffs. Attys.

H.F. Watts, H.S. Priest,

E.W. Lehmann,

Defts. Attys.

1902

MINUTES OF PROCEEDINGS

July 25th 1913. *Order to set aside Order of August 20th, 1912, filed.*
Motion to vacate order dep. 5th 1913 and mo. for entry of interlocutory decree
filed by Campbell; aff'd. allowed 5 days to file objections and brief
and Campbell. 5 days thereafter, 3 motions leave as submitted
made. 3 reply filed by aff'd to motion of Campbell for interlocutory decree
4. Memorandum brief filed by aff'd. in opposition to interlocutory
decree proposed by complainant
8. Campbell. file record of proceedings that were then made was received
and remanded by Supreme Court of United States.
June 16th Interlocutory decree on mandamus granted, filed and entered.
Opinion of Court filed.

1916

MINUTES OF PROCEEDINGS.

Apr. 6,	C.H.Krum, E.C.Crow & Chas.Nagel appear as counsel for comp.	Eq. I	
" "	R.E.Rombauer appointed Special Com.to take & report(testimony)evidence	" "	405
" 19,	Appearance of H.S. Priest as solicitor for defts. entered,	" "	408
June 11,	Complainants' time for proofs extended 60 days,	" "	447
Oct. 17,	" granted 30 days from Oct.20/06 for proofs.Subpoena duces		
"	tecum ordered for R.M. Fraser on application of complt.,	" "	520
" 19,	Mo.to quash Subpoena duces tecum filed.Report of Spe.Com.on said writ/	" "	530
" 20,	Order on R.M.Fraser to show cause on contempt Oct.22-2 P.M.,		
" 22,	Rule on Fraser argued & submitted. Return of Fraser Filed.		
" 25,	Motion to quash overruled.Action on application for commitment deferred.	" "	533
Dec. 14,	On application of complt.Subpoena duces tecum ordered issued for R.M.		
"	Fraser and S. Frink		
" 17,	Marshal's return on subpoena duces tecum filed		
1907			
Feb. 7,	Following allowances made and ordered taxes as costs: Sp'l Com., \$1500;		
	Surveyor, Julius Pitzman, \$700.; Stenog., L.M.Egan, \$1980.00	" "	612
May 16,	Stipulation filed that Sp'l Com., Rombauer allowed \$1000., to be taxed	" "	9
" 20,	Pursuant to Stip. filed May 16, Sp.Com. allowed \$1000. on a/c. to be taxed	" "	16
" 22,	On application of Com. subpoena duces tecum ordered and issued,	" "	11
" 23,	" " " " " " " " " " " "	" "	12
" 24,	Mo. of witness, Hannegan, to quash Subpoena duces tecum, filed,		
" 31,	Amended App. for subpoena duces tecum filed and granted,	" "	16
June 1,	Mo. by J.E.Hannigan to quash subpoena duces tecum filed	" "	17
" 3,	" " " " " " " " submitted	" "	18
" 11,	" " " " " " " " sustained (Opinion filed)	" "	29
1908			
Feb. 25,	Certif. of Atty. Gen. Act Feb'y 11/03, filed (& Certified to Judges),	" "	191
Oct. 12,	Stip. filed. By consent Sp.Com. allowed, \$5000. in full for all services--		
"	to be taxed costs, same to be credited with prior payments,	" "	333
" 14,	Stip. filed. L.M.Egan allowed \$5992.60 as stenographer--to be taxed		
"	as costs. Prior payments to be credited.	" "	334
" 14,	Spec'l Commr's report filed. Report of Testimony 7 Vols. (3912pp) 6 Vols.		
	Complainants Exhibits (4350pp) 1 Vol. Defts. Exhibit (309pp) & 7 Exhibits		
	for Defendant filed,	" "	334
Dec. 7,	Mo. filed by Compl't to set cause down for hearing,	" "	357
" 14,	Cause set for March 18th, 1909,	" "	360
1909			
Mar. 25,	Statement and abstract of defendants filed,	" "	429
Apr. 1,	Cause heard before Cir. Judges; Compl'ts abstract of evidence and 1 Ex.		
" 2,	" " " " " " " " and Submitted		
May 24,	Order to certify cause to Supreme Court. (Judges unable to agree) Order		
	to use printed record in transcript if parties agree,	" "	462
1910			
May 5,	Mandate of the U.S. Supreme Ct. remanding this cause with directions		
	to this Ct. to proceed herein in conformity with law, filed and entered,	" "	677
June 6,	Application for re-argument filed. Order dismissing bill and denying		
	application for re-argument, filed and entered,	" "	16
	Assignment of errors & Pet. for Appeal, filed,	" "	45
	Case sent to U.S. Supreme Court, Rec'd, Fld., & Ent'd. Citation/	" "	47
	Script filed,	" "	80