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UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF MISSOURI,

EASTERN DIVISION.

United States of America, Complainant. vs TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS, ET AL. Defendants.	Expedited under Act of 1903. 32 Stat. 823.

O R D E R.

The motion of Missouri, Kansas & Texas Railway Company, St. Louis-San Francisco Railway Company, Missouri Pacific Railroad Company and The Chicago, Rock Island and Pacific Railway Company praying that certain of the defendants herein, to-wit, the Baltimore & Ohio Southwestern Railway Company and R. N. Begein, its representative on the board of defendant Terminal Railroad Association of St. Louis; the Chicago & Alton Railroad Company and W. G. Bierd, its representative on said board; the Chicago, Burlington & Quincy Railroad Company and E. P. Bracken, its representative on said board; the Cleveland, Cincinnati, Chicago & St. Louis Railway Company and H. A. Worcester, its representative on said board; the Illinois Central Railroad Company and C. M. Kittle, its representative on said board; the Louisville & Nashville Railroad Company and John Fitzgerald, its representative on said board; the Southern Railway Company and John B. Munson, its representative on said board; the Pittsburg, Cincinnati, Chicago & St. Louis Railroad Company and Benjamin McKeen, its representative on said board; The St. Louis Southwestern Railway Company; the Wabash Railway Company and J. E. Taussig, its representative on said board, and Henry Miller, the representative at large upon said board, as well as president of said Terminal Railroad Association of St. Louis; the Terminal

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Railroad Association of St. Louis, the St. Louis Merchants Bridge Terminal Railway Company and the Wiggins Ferry Company, be cited to show cause, if any, why they, and each of them, should not be punished for contempt of the injunctive order and decree of this court in this cause, entered March 2, 1914, came on to be heard pursuant to due notice to all the parties hereto who appeared by their respective solicitors, and was argued; and the court after the consideration of the motion, other motions, the returns, pleadings, evidence, arguments and briefs of counsel;

ORDERED, ADJUDGED and DECREED as follows, viz:

1st. That the following named companies, having duly entered their respective appearances on the hearing of said motion and participated in such hearing are hereby made parties defendant as of the date of their respective entries of appearances, namely; Wabash Railway Company, as successor to the Wabash Railroad Company; St. Louis-San Francisco Railway Company as successor to the St. Louis & San Francisco Railroad Company; Missouri Pacific Railroad Company, as successor to the Missouri Pacific Railway Company; St. Louis, Iron Mountain & Southern Railway Company; the Pittsburg, Cincinnati, Chicago & St. Louis Railroad Company, as successor to St. Louis, Vandalia & Terre Haute Railroad Company, and St. Louis, Southwestern Railway Company. That because the Wabash Railway Company and the Chicago, Burlington & Quincy Railroad Company have lines of road on each side of the Mississippi River they are and shall be deemed in this decree and any accounting hereunder to be East Side Lines to the extent of their lines on the east side of that river and West Side Lines to the extent of their lines on the west side of that river.

2nd. That the motions of respondents to dismiss and to quash the order to show cause be and the same are hereby overruled and denied.

3rd. That the respondent companies and each of them and the above named individual defendants and their respective predecessors and each of them as representatives of said respective defendant

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companies on the Board of Directors of the defendant Terminal Railroad Association of St. Louis have continuously since the entry of said final order and decree, in contempt of this court, violated the terms thereof and are still violating its said terms -

(a) In that defendants, the Terminal Railroad Association of St. Louis and its subsidiary companies are not acting in good faith as the impartial agents of the various proprietary lines.

(b) In that the proprietary lines other than the petitioner, through the domination and control of the Board of Directors of defendant, the Terminal Railroad Association of St. Louis and its subsidiaries compelled the petitioners to pay the Terminal Railroad Association its transfer charges for supplying and operating facilities for the interchange of both through east bound and through west bound freight traffic between the east side lines and the west sidelines.

(c) In that the defendants, the Baltimore & Ohio Southwestern Railway Company; the Chicago & Alton Railroad Company, the Chicago, Burlington & Quincy Railroad Company; the Cleveland, Cincinnati, Chicago & St. Louis Railway Company; the Illinois Central Railroad Company; the Louisville & Nashville Railroad Company; the Southern Railway Company; the Pittsburg, Cincinnati, Chicago & St. Louis Railroad Company; the St. Louis South Western Railway Company, and the Wabash Railway Company have not paid and are not now paying the reasonable transfer charges of defendant, The Terminal Railroad Association of St. Louis and its subsidiary companies on west bound through freight to the rails of said Missouri, Kansas & Texas Railway Company; St. Louis-San Francisco Railway Company; Missouri Pacific Railroad Company; the Chicago, Rock Island & Pacific Railway Company; the Chicago, Burlington & Quincy Railroad Company, and the Wabash Railway Company.

(d) In that the said Terminal Railroad Association has been issuing bills of lading or receipts taking the place of bills of lading usable for the transportation of through freight from points on its lines to distant points beyond its lines, and has been

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issuing passes usable by passengers riding on passes or tickets from points on its lines to distant points beyond its lines.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that within sixty days from the date of the entry of this order, the said defendant companies and each of them cease and desist from violating the said final order and decree in the respects hereinbefore specified, and that upon the failure of them or either of them so to do and proof thereof this court will consider what further order or action should be taken.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the East Side Lines, towit: The Baltimore & Ohio Southwestern Railway Company, the Chicago & Alton Railroad Company, the Chicago, Burlington & Quincy Railroad Company, the Cleveland, Chicago, Cincinnati & St. Louis Railway Company, the Illinois Central Railroad Company, the Louisville & Nashville Railroad Company, the Southern Railway Company, the Pittsburg, Cincinnati, Chicago & St. Louis Railroad Company, the St. Louis Southwestern Railway Company, and the Wabash Railway Company be and they are hereby required to pay within sixty days after the amount of same shall have been ascertained and determined, for the use and benefit of said west side lines, towit: Missouri, Kansas & Texas Railway Company; St. Louis-San Francisco Railway Company; Missouri Pacific Railroad Company; Chicago, Rock Island & Pacific Railway Company; Chicago, Burlington & Quincy Railroad Company and the Wabash Railway Company, the total amount of the transfer charges of defendant Terminal Railroad Association of St. Louis and its subsidiary companies paid by said West Side Lines on west bound through freight of said East Side Lines to the rails of said West Side Lines at St. Louis, Missouri; from the date of the entry of said final decree, towit; March 2, 1914 to the date of this order; that such total amount shall be ascertained and determined in the manner hereinafter provided; that of such total amount each of said East Side Lines shall pay such proportion thereof as the transfer charges on West bound through freight

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handled by it paid by said West Side Lines bears to the total amount of the transfer charges on freight handled by all said East Side Lines; that each of said West Side Lines shall receive such proportion of said total amount as the charges on such west bound through freight paid by it bears to the total charges on all such west bound freight; that for the purpose of ascertaining and determining the amount to be assessed against and paid by the said East Side Lines, and the amount payable by each thereof, and the respective amounts thereof payable to said West Side Lines respectively as herein provided Byron F. Babbitt, Esq. is hereby appointed the Special Master in this case to hear the testimony offered by the said East Side Lines and the West Side Lines as to such matters, to examine the evidence and to report to this court the facts and amounts to be ascertained pursuant to this paragraph of this decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said West Side Lines have and recover of the respondents their costs herein laid out and expended in this proceeding.

(Signed) Walter H. Sanborn,
United States Circuit Judge.
(Signed) Robt. E. Lewis,
United States Circuit Judge.

Dated this 8th day of February, A. D. 1923.

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ENDORSEMENT : FILED FEB. 8, 1923. Jas.J.O'Connor, Clerk.

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United States of America,
Eastern Division of the Eastern Judicial District of Missouri. } *ss:*

I, Jas.J.O'Connor, Clerk of the District Court of the United States, in and for the Eastern Division of the Eastern Judicial District of Missouri, do hereby certify that the writing hereto attached is a true copy of Order of Court, filed Feb.8,1923,

In Case No. 5250 (Circuit) of

UNITED STATES OF AMERICA, Plaintiff,

vs.

TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS, et al,

Defendant[s].

as fully as the same remain[s] on file and of record in said case in my office.

In Witness Whereof, I hereunto subscribe my name and affix the seal of said Court, at office in the City of St. Louis, in the Eastern Division of said District, this ..... day of .....

in the year of our Lord nineteen hundred and .....

Clerk of said Court.

By .....

Deputy.

No. 5250 (Circuit)

United States District Court

Eastern Division of the
Eastern Judicial District of Missouri

UNITED STATES OF AMERICA,

AGAINST

TERMINAL RAILROAD ASSOCIATION
OF ST. LOUIS, et al.

Duly Certified Copy of order of Court,
Feb. 8, 1923.

in the above-entitled cause.

GOVERNMENT PRINTING OFFICE

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