

UNITED STATES OF AMERICA, PETITIONER,
VS.

E. I. DUPONT DE NEMOURS AND COMPANY, AND OTHERS,
DEFENDANTS.

IN THE MATTER OF THE PETITION OF HERCULES POWDER
COMPANY.

The Petition of Hercules Powder Company, one of the two new Corporations organized under the final decree of this Court entered in the above entitled cause on the Thirteenth day of June, 1912, filed in said cause on the Seventh day of January, 1921, and amended February 14, 1921, praying this Court for such a decree as will permit it to acquire by purchase all the physical properties and other assets of the Aetna Explosives Company, Inc., a Corporation of the State of New York, coming on to be heard, under stipulation of the United States of America, by Henry S. Mitchell, Special Assistant to the Attorney General and of the Petitioner by its Solicitors, both upon a motion to dismiss said amended Petition, filed by the United States of America, and upon a rule to show cause why the prayers of said amended Petition should not be granted, and the said Amended Petition, the said motion to dismiss, the answer filed to said amended Petition by the United States of America, and the evidence in the form of Affidavits filed in support of said amended Petition having been opened to the Court and the Court having heard argument of counsel herein and having duly considered the matter, and it appearing to the Court that the motion to dismiss the said amended Petition should not be granted and that the said Petitioner is entitled to the relief hereinafter mentioned:

It is thereupon, on this Ninth day of May, A. D. 1921, ordered, adjudged and decreed as follows, to wit:

(1) That the said motion to dismiss the said amended Petition of the said Hercules Powder Company be and the same is hereby denied.

(2) That the acquisition of the physical properties and other assets of the said Aetna Explosives Company, Inc., by the said Hercules Powder Company is not and will not

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE DISTRICT OF DELAWARE.

In Equity. No. 280.

be in violation of either the spirit, language or purpose of the said final decree of this Court or of the supplemental decree of this Court entered in the above entitled cause on the eighteenth day of February, 1913; and that the said final decree be and the same hereby is further supplemented and so modified as to permit the said Hercules Powder Company to acquire the physical properties and other assets of the said Aetna Explosives Company, Inc., as prayed in said amended Petition.

(3) That the costs on said Petition be paid by the said Petitioner.

/s/ JOS. BUFFINGTON,
/s/ VICTOR B. WOOLLEY,
/s/ J. WARREN DAVIS,
*Circuit Judges of the Third
Judicial Circuit of the
United States.*