

THE UNITED STATES OF AMERICA
VS.
ADDYSTON PIPE & STEEL COMPANY ET AL.

Civil No. 539.

This cause came on to be further heard on this the 5th day of April, 1900, before the Hon. C. D. Clark, judge of the District and Circuit Courts of the United States for the Eastern District of Tennessee, upon the record at large and the mandate of the honorable Supreme Court of the United States of America, which mandate is in words and figures as follows:

“UNITED STATES OF AMERICA, ss:

“The President of the United States of America to the honorable the judges of the Circuit Court of the United States for the Eastern District of Tennessee.

“GREETING:

“Whereas lately in the United States Circuit of Appeals for the Sixth Circuit, in a cause between the United States, appellant, and The Addyston Pipe and Steel Company, Dennis Long & Co., Howard-Harrison Iron Co., Anniston Pipe & Foundry Co., South Pittsburg Pipe Works, and Chattanooga Foundry & Pipe Works, appellees, wherein the decree of the said Circuit Court of Appeals entered in said cause on the 14th day of February, A. D. 1898, is in the following words, viz:

“ ‘This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Tennessee, and was argued by counsel.

“ ‘On consideration whereof, it is now here ordered, adjudged, and decreed by this court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed, with instructions to enter a decree for the United States, perpetually enjoining the defendants from maintaining the combination in cast-iron pipe described in the bill, and from doing business thereunder.’

“as by the inspection of the transcript of the record of the said United States Circuit Court of Appeals, which was brought into the Supreme Court of the United States by virtue of an appeal agreeably to the act of Congress, in such case made and provided, fully and at large appears.

“And whereas, in the present term of October, in the year of our Lord one thousand eight hundred and ninety-nine, the said cause came on to be heard before the said Supreme Court, on the said transcript of record, and was argued by counsel:

“On consideration whereof it is now here ordered, adjudged, and decreed by this court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, modified and limited in ac-

cordance with the opinion of this court, and, as thus modified and limited, be, and the same is hereby, affirmed.

“And it is further ordered that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Eastern District of Tennessee.

“You, therefore, are hereby commanded that such further proceedings be had in said cause, in conformity with the opinion and decree of this court as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding.

“Witness the honorable Melville W. Fuller, Chief Justice of the United States, the 16th day of February, in the year of our Lord one thousand nine hundred.

“JAMES H. MCKENNEY,

“Clerk of the Supreme Court of the United States.”

From all of which it appears to the court that the decree of the honorable Circuit Court of Appeals of the United States heretofore rendered in the cause at Cincinnati, Ohio, perpetually enjoining and inhibiting all of the defendants from maintaining the combination in cast-iron pipe described in the bill was affirmed, and said cause remanded to this court for further decree to carry said mandate into effect. The court is therefore pleased to order, adjudge, and decree that the injunction prayed for in the bill or petition in this cause be and the same is hereby made perpetual, and all of said defendants are perpetually enjoined from maintaining the combination in cast-iron pipe described in the bill and from doing business thereunder. And it is further decreed that the defendants pay all costs of this cause in the Supreme Court of the United States, the Circuit Court of Appeals and this court, for all of which an execution will issue.

[JUNE 5, 1900.]