

IN THE DISTRICT COURT OF THE UNITED STATES FOR  
THE DISTRICT OF NEW JERSEY.

In Equity 297.

UNITED STATES OF AMERICA, PETITIONER,

VS.

THE DELAWARE, LACKAWANNA & WESTERN RAILROAD  
COMPANY, AND THE DELAWARE, LACKAWANNA & WEST-  
ERN COAL COMPANY, DEFENDANTS.

FINAL DECREE

This cause having come on for hearing before this  
court and having been determined by a decree entered

April 24, 1914, from which the petitioner appealed to the  
Supreme Court of the United States, which has reversed  
the decree of this court and issued its mandate filed herein  
July 8, 1915, remanding the cause:

Now, therefore, upon motion of the petitioner, it is,  
this 6th day of August, 1915, ordered, adjudged, and  
decreed as follows:

SECTION 1. That the aforesaid decree of this court  
entered April 24, 1914, is in all respects set aside and  
reversed.

SEC. 2. That the defendant The Delaware, Lackawanna  
& Western Railroad Company, before and at the time of  
the filing of the petition herein, was transporting in  
interstate commerce coal mined or purchased by it, from  
which it had not dissociated itself before the transporta-  
tion, and, therefore, was violating the commodities clause  
of the act to regulate commerce (34 Stat., 584, c. 3591).

SEC. 3. That the defendant The Delaware, Lackawanna  
& Western Railroad Company, in transporting in inter-  
state commerce coal mined and purchased by it and pur-  
porting to have been sold to the defendant The Delaware,  
Lackawanna & Western Coal Company under the con-  
tract of August 2, 1909, referred to in the petition, is  
violating the commodities clause of the act to regulate  
commerce (34 Stat., 584, c. 4591).

Wherefore, the defendant railroad company, its officers,  
directors, agents, servants, and employees, are hereby  
enjoined and restrained from further transporting in  
interstate commerce coal thus mined or purchased by it  
and purporting to have been sold to the defendant coal  
company under the aforesaid contract of August 2, 1909.

SEC. 4. That the aforesaid contract of August 2, 1909,  
violates the antitrust act of July 2, 1890 (26 Stat., 209, c.  
647).

Wherefore, the defendant railroad company and the  
defendant coal company, their officers, directors, agents,  
servants, and employees, are hereby enjoined and re-  
strained from further carrying out or enforcing the pro-  
visions of the said contract.

SEC. 5. That this decree is without prejudice to the right of the United States to institute further proceedings based on any matter, thing, or transaction mentioned in the petition and not hereby specifically adjudged unlawful and enjoined.

SEC. 6. That petitioner is entitled to its costs in this court and may have execution therefor.

JOS. BUFFINGTON,  
JOHN B. MCPHERSON,  
*United States Circuit Judges.*