

UNITED STATES v. CHESAPEAKE & OHIO FUEL CO.
THE UNITED STATES OF AMERICA, SOUTHERN DISTRICT
OF OHIO, WESTERN DIVISION, SS.

Equity No. 5298.

At a stated term of the Circuit Court of the United States, within and for the Western Division of the Southern District of Ohio, begun and held at the City of Cincinnati, in said District, on the first Tuesday in October being the second day of said month, in the year of our Lord one thousand and nine hundred and of the Independence of the United States of America the one hundred and twenty-fifth, to-wit: On Thursday the 22nd day of November A. D. 1900.

Present: the Honorable Albert C. Thompson, District Judge, Sitting and holding Circuit Court of the United States. Among the proceedings then and there had were the following, to-wit:

THE UNITED STATES OF AMERICA, by John W. Griggs, Its
Attorney General, and William E. Bundy, United States
Attorney for the Southern District of Ohio, Plaintiff,

vs.

THE C. & O. FUEL COMPANY, a corporation organized

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under the laws of West Virginia, and having its place of business in the City of Cincinnati, Ohio; THE ST. CLAIR COMPANY, a corporation organized under the laws of West Virginia; JOHN CARVER and ENOCH CARVER, partners doing business under the firm name and style of CARVER BROTHERS; W. R. JOHNSON, and M. T. DAVIS, partners doing business under the firm name and style of M. T. DAVIS & COMPANY; JOHN CARVER and ENOCH CARVER, partners doing business under the firm name and style of THE MECCA COAL COMPANY; S. H. MONTGOMERY, doing business under the name and style of the MONTGOMERY COAL COMPANY; THE CHESAPEAKE MINING COMPANY a corporation organized under the laws of West Virginia; THE BELMONT COAL COMPANY, a corporation organized under the laws of West Virginia; THE KANAWHA SPLINT COAL COMPANY, a corporation organized under the laws of West Virginia; THE ROBINSON COAL COMPANY, a corporation organized under the laws of West Virginia; HARRIS B. SMITH, SPECIAL RECEIVER of the LENS CREEK COAL & COKE COMPANY, a corporation organized under the laws of West Virginia; THE LENS CREEK COAL & COKE COMPANY, a corporation organized under the laws of West Virginia; JOSEPH RENSHAW, SPECIAL RECEIVER of THE BIG BLACK BAND COAL COMPANY, and the BIG BLACK BAND COAL COMPANY, a corporation organized under the laws of West Virginia; THE CHARLMORE COAL COMPANY, a corporation organized under the laws of West Virginia; ROBERT BRABBIN, JR., and N. L. PERRY, partners doing business under the firm name and style of THE BRABBIN COAL COMPANY, JASPER MCCALLISTER, SAMUEL MOORE and JAMES KELSOE, partners doing business under the firm name and style of MCCALLISTER & COMPANY, Defendants.

FINAL DECREE.

This day this cause came on for hearing upon the issues joined in the pleadings, and with the evidence and arguments of Counsel the same was submitted to the Court. Upon due consideration thereof the Court find

the equities to be with the plaintiff and that the contract described in the bill and the combination of the defendants thereunder are in restraint of trade and commerce among the several states. Said contract is therefore declared to be illegal, and it is ordered that the combination of the defendants thereunder shall be dissolved forthwith; and the defendants and each of them are hereby perpetually enjoined from further operations under said contract or from entering into or continuing in any like combination or agreement and from selling or shipping under the terms thereof any coal or coke to be transported from one state into another. And it is further adjudged that the defendants pay the costs of this action taxed at \$.....

To all of which the defendants above named and each of them except.