

UNITED STATES v. CHICAGO BUTTER & EGG BOARD.
IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE NORTHERN DISTRICT OF ILLINOIS, EASTERN
DIVISION.

Civil No. 30042.

UNITED STATES OF AMERICA, PETITIONER,

VS.

CHICAGO BUTTER AND EGG BOARD ET AL., DEFENDANTS.

DECREE.

This cause having come on to be heard at this term, upon the amended petition herein, the answers of the defendants thereto, the replication of the petitioner to such answers, the report of Hon. Charles B. Morrison, one of the masters in chancery of this court, to whom this cause was heretofore referred to take the evidence herein and report the same to this court, together with his conclusions of law and fact thereon, and the exceptions of the defendants to the report of said master, and the court having considered said report and the said exceptions thereto, and heard the arguments of counsel for the respective parties in respect thereto, and being now fully advised in the premises,

U. S. v. CHICAGO BUTTER & EGG BOARD

It is ordered, That the said exceptions, and each of them, of the said defendants to the report of the said master be and the same and each of them hereby are overruled; and said cause having come on further to be heard upon the pleadings aforesaid and upon the motion of the petitioner for a decree herein, in accordance with the said findings and report of said master in chancery, and the court being now fully advised in the premises, *It is therefore ordered, adjudged, and decreed as follows:*

First. That the said master's report be and the same is hereby in all respects approved and confirmed.

Second. That the defendants heretofore formed and at the time of the filing of the petition were parties to a combination and conspiracy to restrain interstate trade and commerce in butter and eggs by the means hereinafter specifically enjoined in paragraphs (a), (b), and (c), in violation of the act to protect trade and commerce against unlawful restraints and monopolies.

Wherefore, the defendants Chicago Butter and Egg Board, G. W. Bull, Charles S. Borden, M. H. Eichengreen, A. J. Strigel, K. Rutledge, Charles B. Ford, John W. Lowe, Thomas W. Brennan, and F. A. Kelly, the officers, agents and members of said Chicago Butter and Egg Board, and all persons acting for or on its behalf, or in connection with it, or any of its members, concerning any of the matters set forth in the amended petition herein, are permanently enjoined and restrained from further engaging in the aforesaid combination or conspiracy or from entering into any other combination or conspiracy to restrain trade in butter and eggs, or in either commodity, by like means or devices whatsoever; and

(a) From appointing or authorizing the appointment of any officer, agent, or committee of said Chicago Butter and Egg Board, whether of one or more persons, to fix or suggest the price or prices of butter and eggs or of either commodity.

(b) For maintaining a quotation committee, or any other committee or agency of said Chicago Butter and

Egg Board, or its membership, which shall fix a price or prices of butter and eggs or of either commodity.

(c) From quoting or publishing any price or prices of butter and eggs or of either commodity purporting to be "quotations," "market prices," "Chicago Butter and Egg Board prices," or "official quotations of Chicago Butter and Egg Board," or the prices obtaining upon the board of said defendant corporation, unless and except such prices be those which have actually obtained upon said board in *bona fide* sales of butter or eggs.

(d) From fixing or determining by contract, combination, or agreement the bids or offers which members of said Chicago Butter and Egg Board shall make with respect to purchases or sales of butter and eggs or of either commodity in advance of the making of said bids or offers.

(e) From requiring, compelling, or demanding by board rule, by-law, or otherwise, that the members of said Chicago Butter and Egg Board use the quotations or prices of butter and eggs or of either commodity which are made by means of transactions upon said Chicago Butter and Egg Board as a basic price in contracts for the purchase or sale of butter or eggs in interstate commerce.

(f) From making fictitious or washed or pretended sales or purchases of butter and eggs or of either commodity for the purpose of misleading any person or persons as to the actual price at which butter and eggs or either commodity are being sold upon said Chicago Butter and Egg Board or which are intended to be used in any way as a basis for the making of quotations or prices on said Chicago Butter and Egg Board.

(g) From making or participating in or knowingly permitting on said Chicago Butter and Egg Board at any time any sale or purchase of butter and eggs or of either commodity that is not a *bona fide* transaction in which the seller in good faith intends to deliver the commodity

and the purchaser in good faith intends to accept and pay therefor.

(h) From making or participating in or knowingly permitting to be made any sale or purchase of butter or eggs or either commodity on said Chicago Butter and Egg Board, in pursuance of any combination or conspiracy by or between any two or more persons or corporations to raise or lower or affect the price of butter and eggs or of either commodity on said Chicago Butter and Egg Board, and thereby to raise or lower or affect the price of butter and eggs or of either commodity in interstate commerce.

(i) From making or causing to be made any offer to buy or sell butter and eggs or either commodity on said Chicago Butter and Egg Board at a price which has been agreed upon by any two or more of the members of said board or by any one or more of said members and any other person or persons prior to the making of said offer.

Third. That the secretary of said Chicago Butter and Egg Board furnish a copy of this decree to members of said board and to those who hereafter shall become members thereof.

Fourth. That the court retains jurisdiction of this case for the purpose of entertaining at any time hereafter any application which petitioner may make with respect to this decree; and

Fifth. That the petitioner have and recover from the defendants its costs.

Entered at Chicago, Illinois, this 12th day of October, A. D. 1914.

By the court.

(Signed)

KENESAW M. LANDIS,
Judge.