

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE NORTHERN DISTRICT OF ILLINOIS.

Equity No. 30888.

THE UNITED STATES OF AMERICA, PETITIONER,
VS.

CENTRAL-WEST PUBLISHING COMPANY; WESTERN NEWS-
PAPER UNION; WESTERN NEWSPAPER UNION OF NEW
YORK, GEORGE A. JOSLYN, JOHN F. CRAMER, H. H. FISH,
AND M. H. MCMILLEN; AMERICAN PRESS ASSOCIATION,
A CORPORATION ORGANIZED UNDER THE LAWS OF THE
STATE OF NEW YORK; AMERICAN PRESS ASSOCIATION,
A CORPORATION ORGANIZED UNDER THE LAWS OF THE
STATE OF WEST VIRGINIA; COURTLAND SMITH, W. G.
BROGAN, AND MAURICE F. GERMOND, DEFENDANTS.

The petition of the defendants American Press Associa-
tion, Courtland Smith, William G. Brogan, and Maurice
F. Germond that the decree entered herein on August 3,

1912, be so modified as to permit American Press Associa-
tion to sell its assets and business pertaining to stereo-
typed plates, as a going concern, to Western Newspaper
Union, having come on for hearing, and said petitioners
appearing by their solicitors, Edgar A. Bancroft and
Charles A. Brodek, and the United States of America ap-
pearing by Henry S. Mitchell, special assistant to the
Attorney General, and the other defendant, Central-West
Publishing Company, Western Newspaper Union Com-
pany, Western Newspaper Union of New York, John F.
Cramer, H. H. Fish, and M. H. McMillen (George A.
Joslyn having died since the rendition of the decree),
appearing by their solicitors, Horace K. Tenney and
Charles F. Harding, and it appearing to the court that it
has jurisdiction of the parties to and subject matter of
said decree, and the testimony of witnesses and other
evidence and the statements of counsel in support of said
petition having been heard and considered, the court holds
that the facts set forth in the petition and the evidence
introduced upon the hearing to support the same are im-
material; that it is contrary to the whole spirit and pur-
pose of the Sherman Law to authorize one competitor to
absorb or assimilate another competitor, regardless of
whether such competitor is able to continue in business
or not, and that the sale of such assets and business by
American Press Association to Western Newspaper Union
would be in violation of the Sherman Law.

It is therefore ordered, adjudged, and decreed that said
petition be and it hereby is denied.

To which order and decree the petitioners duly object
and except.

Thereupon, the petitioners, American Press Associa-
tion, Courtland Smith, William G. Brogan, and Maurice F.
Germond, pray an appeal from said order to the Circuit
Court of Appeals of the Seventh Circuit, which is allowed
upon said petitioners filing an appeal bond in the sum of
two hundred and fifty dollars, and presenting their certifi-
cate of evidence within twenty days from this date.

KENESAW M. LANDIS.

JUNE 15, 1917.